



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
First Appeal NO. 1464 OF 2005

The State Of Maharashtra & Anr. ...Appellant(s)  
*Versus*  
Dhondiba Dagadu Pawagi & Anr. ...Respondent(s)

WITH  
First Appeal NO. 150 OF 2009

Paravati Kondu Salekar ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & ors. ...Respondent(s)

WITH  
First Appeal NO. 1710 OF 2009

Shri. Ramchandra Dhondiba Salekar ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & Ors. ...Respondent(s)

WITH  
First Appeal NO. 509 OF 2010

Shri. Vithu Balu Salekar ...Appellant(s)  
*Versus*  
The Land Acquisition Officer No. 17 & ors. ...Respondent(s)

WITH  
First Appeal NO. 1089 OF 2009

Maharashtra Krishna Valley Development Corporation ...Appellant(s)  
*Versus*  
Kisan Pandu Kank & Ors. ...Respondent(s)

WITH  
First Appeal (ST) NO. 12048 OF 2008

The State Of Maharashtra & Anr. ...Appellant(s)  
*Versus*  
Bhagu Laxman Salekar & Anr. ...Respondent(s)

**WITH**  
**First Appeal NO. 1465 OF 2005**

The State Of Maharashtra & anr. ...Appellant(s)  
*Versus*  
Ramchandra Bhambaji Pawar ...Respondent(s)

**WITH**  
**First Appeal NO. 1466 OF 2005**

The State Of Maharashtra & anr. ...Appellant(s)  
*Versus*  
Bhambaji Hari Pawar (decd) By  
Ramchandra Bhambaji Pawar & Ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 1467 OF 2005**

The State Of Maharashtra & anr. ...Appellant(s)  
*Versus*  
Dagadu Laxman Pavagi (decd) By  
Lrs. Pandurang D. Pavagi & Ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 1468 OF 2005**

The State Of Maharashtra & anr. ...Appellant(s)  
*Versus*  
Dagadu Laxman Pawagi (decd) By  
Lrs. Kondiba D. Pilaware & Anr. ...Respondent(s)

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**WITH**  
**First Appeal NO. 1469 OF 2005**

The State Of Maharashtra & anr. ...Appellant(s)  
*Versus*  
Dagadu Laxman Pavagi (decd) By  
Lrs Pandurang D. Pavagi & Ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 1470 OF 2005**

The State Of Maharashtra & anr. ...Appellant(s)  
*Versus*  
Nathu Uma Dighe ...Respondent(s)

**WITH**

**First Appeal NO. 718 OF 2009**

Ramu Ravji Salekar D/h Suresh Ramu Salekar ...Appellant(s)

*Versus*

The Special Acquisition Officer & ors....Respondent(s)

**WITH**

**First Appeal NO. 611 OF 2012**

Shri. Mahadu Vithu Salekar & Ors. ...Appellant(s)

*Versus*

The Special Land Acquisition Officer & Ors. ...Respondent(s)

**WITH**

**First Appeal NO. 765 OF 2012**

Govind Haribhau Salekar D.h.

Laxman Govind Salekar

...Appellant(s)

*Versus*

The Special Land Acquisition  
Officer & ors.

...Respondent(s)

**WITH**

**First Appeal NO. 579 OF 2009**

Ramu Ravaji Salekar D.h. Suresh

Ramu Salekar & anr.

...Appellant(s)

*Versus*

The Land Acquisition Officer Pune & ors.

...Respondent(s)

**WITH**

**First Appeal NO. 179 OF 2017**

Maharashtra Krishna Valley Development  
Corporation

...Appellant(s)

*Versus*

The Special Land Acquisition Officer  
And Othrs

...Respondent(s)

**WITH**

**First Appeal NO. 181 OF 2017**

Maharashtra Krishna Valley  
Development Corporation

...Appellant(s)

*Versus*

The Special Land Acquisition Officer And Othrs ...Respondent(s)

**WITH**

**First Appeal NO. 2310 OF 2006**

The State Of Maharashtra And Ors

. ...Appellant(s)

*Versus*  
Narayan Rama Dere And Ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 180 OF 2017**

Maharashtra Krishna Valley Development Corporation ...Appellant(s)

*Versus*  
The Special Land Acquisition Officer And Others ...Respondent(s)

**WITH**  
**First Appeal NO. 1492 OF 2005**

The State Of Maharashtra And Anr. ...Appellant(s)

*Versus*  
Laxman Baburao Watkar ...Respondent(s)

**WITH**  
**First Appeal NO. 1494 OF 2005**

The State Of Maharashtra ...Appellant(s)

*Versus*  
Sopan Narayan Salunke ...Respondent(s)

**WITH**  
**First Appeal NO. 1486 OF 2005**

The State Of Maharashtra And Anr. ...Appellant(s)

*Versus*  
Bhiku Genu Pavgi And Ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 1495 OF 2005**

The State Of Maharashtra And Anr. ...Appellant(s)

*Versus*  
Dagadu Sagu Pawagi (decd.)by Lrs.-laxman Dhondu Pawagi And Ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 1487 OF 2005**

The State Of Maharashtra And Anr. ...Appellant(s)

*Versus*  
Vishnu Bhiva Pavagi (decd) By Lrs. Parvati Vishnu Pavagi ...Respondent(s)

WITH

**First Appeal NO. 1489 OF 2005**

The State Of Maharashtra And Anr. ...Appellant(s)

*Versus*

Shripati Kushaba Pavagi And Ors. ...Respondent(s)

WITH

**First Appeal NO. 1490 OF 2005**

The State Of Maharashtra And Anr. ...Appellant(s)

*Versus*

Shankar Hari Teli (decd) By Heirs  
Bajirao Shankar Shedge ...Respondent(s)

WITH

**First Appeal NO. 1496 OF 2005**

The State Of Maharashtra And Anr. ...Appellant(s)

*Versus*

Bhiku Genu Pavgi ...Respondent(s)

WITH

**First Appeal NO. 1491 OF 2005**

The State Of Maharashtra And Anr. ...Appellant(s)

*Versus*

Bhiku Genu Pavati And Anr. ...Respondent(s)

WITH

**First Appeal NO. 1529 OF 2005**

The State Of Maharashtra And Anr. ...Appellant(s)

*Versus*

Dagadu Sagu Pawagi (decd) By Heirs  
Laxman Dhondu Pavagi And Ors. ...Respondent(s)

WITH

**First Appeal NO. 1530 OF 2005**

The State Of Maharashtra ...Appellant(s)

*Versus*

Dagadu Laxman Pilaware (decd)  
By Lrs. Kondiba Dagadu Pilaware And Anr. ...Respondent(s)

**WITH**  
**First Appeal NO. 374 OF 2009**

The State Of Maharashtra And Anr. ...Appellant(s)

*Versus*

The Maharashtra Krishna Valley  
Development Corporation And Anr. ...Respondent(s)

**WITH**  
**First Appeal NO. 531 OF 2008**

The State Of Maharashtra And Anr. ...Appellant(s)

*Versus*

1. Prakash Dattatraya Deshpande & anr ...Respondent(s)

**WITH**  
**First Appeal NO. 636 OF 2007**

The State Of Maharashtra And Anr. ...Appellant(s)

*Versus*

Krishnaji Ramchandra Deshpande  
D/h Ratnaprabha K.deshpande And Ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 670 OF 2008**

The State Of Maharashtra And Anr. ...Appellant(s)

*Versus*

Nandkumar Dattatraya Deshpande & ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 482 OF 2008**

The State Of Maharashtra & anr. ...Appellant(s)

*Versus*

Parvati Dhondiba Pawagi & ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 1397 OF 2006**

The State Of Maharashtra And Anr. ...Appellant(s)

*Versus*

Krishnaji Ramchandra Deshpande  
D/h Ratnaprabha K. Deshpande And Ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 1463 OF 2008**

The State Of Maharashtra And Anr. ...Appellant(s)  
*Versus*  
Dattatrya Laxman Deshpande  
D/h. 1. Vimal Dattatrya Deshpande And Anr. ...Respondent(s)  
**WITH**  
**First Appeal NO. 1747 OF 2007**

The State Of Maharashtra And Anr. ...Appellant(s)  
*Versus*  
Tanaji Dhondiba Pagvi And Anr. ...Respondent(s)  
**WITH**  
**First Appeal NO. 1748 OF 2007**

The State Of Maharashtra And Anr. ...Appellant(s)  
*Versus*  
Krishnaji Ramchandra Deshpande  
D/h Ratnaprabha K. Deshpande And Ors. ...Respondent(s)  
**WITH**  
**First Appeal NO. 1925 OF 2011**

Maharashtra Krishna Valley Development  
Corporation(thr. Its Executive  
Engineer Dr.praakash K. Pawar) ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer and Othrs ...Respondent(s)  
**WITH**  
**First Appeal NO. 1172 OF 2011**

The State Of Maharashtra  
(through Special Land Acquisition  
Officer No.17) ...Appellant(s)  
*Versus*  
Wadeswar Devalaya (deosthan) ...Respondent(s)  
**WITH**  
**First Appeal NO. 2545 OF 2011**

Maharashtra Krishna Valley  
Development Corporation ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer ...Respondent(s)

**WITH**

**First Appeal NO. 2542 OF 2011**

Maharashtra Krishna Valley Development

Corporation

...Appellant(s)

*Versus*

The Special Land Acquisition Officer & ors. ...Respondent(s)

**WITH**

**First Appeal (ST) NO. 12048 OF 2008**

The State Of Maharashtra

...Appellant(s)

*Versus*

Bhagu Laxman Salekar And Anr

...Respondent(s)

**WITH**

**First Appeal (ST) NO. 7976 OF 2008**

The State Of Maharashtra

...Appellant(s)

*Versus*

Bala Dhondu Salekar D/h- Ramu

Babu Salekar And others

...Respondent(s)

**WITH**

**First Appeal (ST) NO. 13520 OF 2008**

Maharashtra Krishna Valley Development

Corporation

...Appellant(s)

*Versus*

The Land Acquisition Officer

...Respondent(s)

**WITH**

**First Appeal (ST) NO. 7974 OF 2008**

The State Of Maharashtra & anr.

...Appellant(s)

*Versus*

Govind Haribhau Salekar And Anr

...Respondent(s)

**WITH**

**First Appeal (ST) NO. 1380 OF 2010**

Dagdu Sadu Kank And Othrs

...Appellant(s)

*Versus*

The Land Acquisition Officer & ors.

...Respondent(s)

**WITH**

**First Appeal (ST) NO. 9727 OF 2010**

Narayan Genu Salekar D.h. Suresh

Narayan Salekar And Othrs ...Appellant(s)

*Versus*

The Spl. Land Acquisition Officer & ors. ...Respondent(s)

**WITH**

**First Appeal (ST) NO. 19074 OF 2008**

Maharashtra Krishna Khore Vikas Mahanmandal ...Appellant(s)

*Versus*

Parvati Kondu Salekar And Anr ...Respondent(s)

**WITH**

**First Appeal (ST) NO. 13014 OF 2008**

Maharashtra Krishna Valley

Development Corporation ...Appellant(s)

*Versus*

The Land Acquisition Officer ...Respondent(s)

**WITH**

**First Appeal NO. 53 OF 2014**

Bala Dhondu Salekar D/h- Ramu Babu Salekar

And Othrs ...Appellant(s)

*Versus*

The Land Acquisition Officer & ors. ...Respondent(s)

**WITH**

**First Appeal NO. 102 OF 2017**

Sadashiv Pandurang Salekar And Othrs ...Appellant(s)

*Versus*

The Land Acquisition Officer No.17 & ors. ...Respondent(s)

**WITH**

**First Appeal NO. 155 OF 2017**

The State Of Maharashtra & anr. ...Appellant(s)

*Versus*

Govind Dhondiba Salekar D/h- Vitthal

Govind Salekar And Othr ...Respondent(s)

**WITH**

**First Appeal NO. 156 OF 2017**

The State Of Maharashtra and anr. ...Appellant(s)

*Versus*

Baban Goju Salekar And Anr ...Respondent(s)

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**WITH**

**First Appeal NO. 260 OF 2009**

Gangaram Bhaguji Salekar And Anr ...Appellant(s)

*Versus*

The Land Acquisition Officer & ors. ...Respondent(s)

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**WITH**

**First Appeal NO. 289 OF 2009**

Jagganath Kondiba Nhavi And Ors. ...Appellant(s)

*Versus*

The Land Acquisition Officer No.(17) & ors. ...Respondent(s)

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**WITH**

**First Appeal NO. 290 OF 2009**

Bhairu Vithu Salekar ...Appellant(s)

*Versus*

The Land Acquisition Officer & ors. ...Respondent(s)

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**WITH**

**First Appeal NO. 291 OF 2009**

Vasant Shripati Salekar And Ors. ...Appellant(s)

*Versus*

The Land Acquisition Officer No.(17) And Ors ...Respondent(s)

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**WITH**

**First Appeal NO. 328 OF 2008**

Shankar Bajju Salekar And Anr. ...Appellant(s)

*Versus*

The Land Acquisition Officer No.(17) Pune & ors....Respondent(s)

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**WITH**  
**First Appeal NO. 509 OF 2010**

Shri. Vithu Balu Salekar ...Appellant(s)  
*Versus*  
The Land Acquisition Officer No. 17 & ors. ...Respondent(s)

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**WITH**  
**First Appeal NO. 718 OF 2009**

Ramu Ravji Salekar D/h Suresh  
Ramu Salekar ...Appellant(s)  
*Versus*  
The Special Acquisition Officer & ors. ...Respondent(s)

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**WITH**  
**First Appeal NO. 1090 OF 2009**

Maharashtra Krishna Valley Development  
Corporation ...Appellant(s)  
*Versus*  
Balu Ganu Kank D.h. Ananda Balu  
Kank And Othrs ...Respondent(s)

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**WITH**  
**First Appeal NO. 1091 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Thr. Its  
Executive Eng. Dr. Prakash K. Pawar ...Appellant(s)  
*Versus*  
Shri. Dhondiba Mathu Kank D.h.  
Pandharinath Dhondiba Kank And Othrs ...Respondent(s)

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**WITH**  
**First Appeal NO. 1092 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Thr. Its Executive  
Eng. Dr. Prakash K. Pawar ...Appellant(s)  
*Versus*  
Shri. Haribhau Khandu Kank And Othrs ...Respondent(s)

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**WITH****First Appeal NO. 1093 OF 2009**

Maharashtra Krishna Valley  
Development Corporation Thr.  
Its Executive Eng. Dr. Prakash K. Pawar ...Appellant(s)  
*Versus*  
Smt. Housabai Dagdu Kank And Othrs ...Respondent(s)

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**WITH****First Appeal NO. 1094 OF 2009**

Maharashtra Krishna Valley  
Development Corporation ...Appellant(s)  
*Versus*  
Maruti Mahipati Kank And ors ...Respondent(s)

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**WITH****First Appeal NO. 1095 OF 2009**

Maharashtra Krishna Valley Development  
Corporation ...Appellant(s)  
*Versus*  
Maruti Bhau Kank And Othrs ...Respondent(s)

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**WITH****First Appeal NO. 1096 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Thr. Its Executive  
Eng. Dr. Prakash K. Pawar ...Appellant(s)  
*Versus*  
Abaji Bhau Kank (deceased)  
Saibai Bhau Kank (deceased)  
through L.R.s Shri. Maruti Bhau Kank  
And Othrs ...Respondent(s)

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**WITH****First Appeal NO. 1097 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Thr. Its Executive  
Eng. Dr. Prakash K. Pawar ...Appellant(s)  
*Versus*  
Shri. Maruti Bhau Kank And ors. ...Respondent(s)

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**WITH****First Appeal NO. 1098 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Thr. Its Executive

Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Chandrakant Raoji Kank  
D/h Raghu Chandrakant Kank And Othrs ...Respondent(s)

**WITH**

**First Appeal NO. 1099 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Thr. Its

Executive Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri.Dhondu Bapu Kank (deceased)

Through His Legal Heirs 1-1)

shri. Rambhau Dhondiba Kank And Othrs ...Respondent(s)

**WITH**

**First Appeal NO. 1100 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Thr. Its Executive

Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Haribhau Khandu Kank And Anr ...Respondent(s)

**WITH**

**First Appeal NO. 1101 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Thr. Its Executive

Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Maruti Mahipati Kank And ors. ...Respondent(s)

**WITH**

**First Appeal NO. 1102 OF 2009**

Maharashtra Krishna Valley Development Corporation  
Through Its Exe. Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Balu Ganu Kank (deceased) Through

His Lr Shri. Ananda Balu Kank And Othrs ...Respondent(s)

**WITH**

**First Appeal NO. 1103 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its

Exe. Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Maruti Bhau Kank And Othrs ...Respondent(s)

**WITH**

**First Appeal NO. 1104 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through

Its Exe. Eng. Dr. Prakash K. Pawar

...Appellant(s)

*Versus*

Shri. Krishna Bhiva Kank And Anr

...Respondent(s)

**WITH**

**First Appeal NO. 1105 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its

Exe. Eng. Dr. Prakash K. Pawar

...Appellant(s)

*Versus*

Shri. Bhiku Kondu Kank And ors.

...Respondent(s)

**WITH**

**First Appeal NO. 1106 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its Exe.

Eng. Dr. Prakash K. Pawar

...Appellant(s)

*Versus*

Shri. Dhondu Bapu Kank (deceased)

Through Lrs Shri. Rambhau Dhondiba Kank

And Othrs

...Respondent(s)

**WITH**

**First Appeal NO. 1107 OF 2009**

Maharashtra Krishna Valley  
Development Corporation

Through Its Exe. Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Balu Khandu Kank And Anr

...Respondent(s)

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**WITH**

**First Appeal NO. 1108 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its Exe.

Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Dhondiba Mathu Kank (deceased)

Through His Lr Shri. Pandharinath

Dhondiba Kank And Othrs

...Respondent(s)

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**WITH**

**First Appeal NO. 1109 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its

Exe. Eng. Dr. Prakash K. Pawar

...Appellant(s)

*Versus*

Shri. Bhivram Dhondiba More (deceased)

Through Lrs Shri. Ravindra Bhivram More

And Othrs

...Respondent(s)

**WITH**

**First Appeal NO. 1110 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its

Exe. Eng. Dr. Prakash K. Pawar

...Appellant(s)

*Versus*

Shri. Banubai Balku Kank D.h. Bhiku Kondiba

Kank And ors

...Respondent(s)

**WITH**

**First Appeal NO. 1111 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its

Exe. Eng. Dr. Prakash K. Pawar

...Appellant(s)

*Versus*

Shri. Balu Khandu Kank And ors

...Respondent(s)

**WITH**

**First Appeal NO. 1112 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its Exe.

Eng. Dr. Prakash K. Pawar

...Appellant(s)

*Versus*

Shri. Krishna Bhiva Kank And Anr

...Respondent(s)

**WITH**

**First Appeal NO. 1113 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its Exe.

Eng. Dr. Prakash K. Pawar

...Appellant(s)

*Versus*

Parvati Parvati Dal Deceased Her

Lr Balasaheb Parvati Dal And Othrs

...Respondent(s)

**WITH**

**First Appeal NO. 1114 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its Exe.

Eng. Dr. Prakash K. Pawar

...Appellant(s)

*Versus*

Shri. Narayan Manu Kank And Anr ...Respondent(s)

**WITH**

**First Appeal NO. 1115 OF 2009**

**AND**

**First Appeal No. 1116 of 2009**

Maharashtra Krishna Valley  
Development Corporation Through

Its Exe. Eng. Dr. Prakash K. Pawar

...Appellant(s)

*Versus*

Shri. Maruti Nana Kank And Othrs

...Respondent(s)

**WITH**

**First Appeal NO. 1117 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its

Exe. Eng. Dr. Prakash K. Pawar

...Appellant(s)

*Versus*

Shri. Yashwant Annaji Kank (deceased)  
Through His Lr Shri. Gopal Yashwant Kank  
And Anr

...Respondent(s)

**WITH**

**First Appeal NO. 1118 OF 2009**

Maharashtra Krishna Valley  
Development Corporation Through

Its Exe. Eng. Dr. Prakash K. Pawar

...Appellant(s)

*Versus*

Shri. Narayan Manu Kank And Anr ...Respondent(s)

**WITH**

**First Appeal NO. 1119 OF 2009**

Maharashtra Krishna Valley Development  
Corporation

...Appellant(s)

*Versus*

Kisan Siddhu Kank D.h. Shivaji Kisan Kank  
And Othrs

...Respondent(s)

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**WITH**

**First Appeal NO. 1120 OF 2009**

Maharashtra Krishna Valley  
Development Corporation ...Appellant(s)  
*Versus*

Tatyaba Dagadu Kank And Othrs ...Respondent(s)

**WITH**

**First Appeal NO. 1121 OF 2009**

Maharashtra Krishna Valley Development  
Corporation ...Appellant(s)  
*Versus*

Nathu Bhau Kank And ors. ...Respondent(s)

**WITH**

**First Appeal NO. 1122 OF 2009**

Maharashtra Krishna Valley  
Development Corporation ...Appellant(s)  
*Versus*

Yashwant Vithu Kank And ors ...Respondent(s)

**WITH**

**First Appeal NO. 1123 OF 2009**

Maharashtra Krishna Valley Development  
Corporation ...Appellant(s)  
*Versus*

Parvati Parvati Dal D/h- Balasaheb  
Parvati Dal And Othrs ...Respondent(s)

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**WITH**

**First Appeal NO. 1124 OF 2009**

Maharashtra Krishna Valley Development  
Corporation ...Appellant(s)  
*Versus*

Pandurang Bhagu Kank And ors. ...Respondent(s)

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**WITH**

**First Appeal NO. 1125 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Thr. Its Executive  
Eng. Dr. Prakash K. Pawar ...Appellant(s)  
*Versus*

Narayan Manu Kank And ors ...Respondent(s)

**WITH**

**First Appeal NO. 1126 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Thr. Its Executive

Eng.Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Pandurang Bhagu Kank And Othrs ...Respondent(s)

**WITH**

**First Appeal NO. 1127 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Thr. Its Executive

Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Narayan Manu Kank And ors ...Respondent(s)

**WITH**

**First Appeal NO. 1128 OF 2009**

Maharashtra Krishna Valley Development  
Corporation

...Appellant(s)

*Versus*

Raghunath Pandurang Renuse And ors ...Respondent(s)

**WITH**

**First Appeal NO. 1129 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Thr. Its Executive

Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Raghunath Pandurang Renuse And ors. ...Respondent(s)

**WITH**

**First Appeal NO. 1130 OF 2009**

Maharashtra Krishna Valley Development  
Corporation

...Appellant(s)

*Versus*

Raoji Nana Kank And ors. ...Respondent(s)

**WITH**

**First Appeal NO. 1131 OF 2009**

Maharashtra Krishna Valley  
Development Corporation

...Appellant(s)

*Versus*

Raoji Nana Kank And ors ...Respondent(s)

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**WITH**

**First Appeal NO. 1132 OF 2009**

Maharashtra Krishna Valley Development Corporation ...Appellant(s)  
*Versus*  
Maruti Raoji Renuse And Others ...Respondent(s)

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**WITH**

**First Appeal NO. 1133 OF 2009**

Maharashtra Krishna Valley Development Corporation ...Appellant(s)  
*Versus*  
Tatya Dagadu Kank And Others ...Respondent(s)

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**WITH**

**First Appeal NO. 1134 OF 2009**

Maharashtra Krishna Valley Development Corporation ...Appellant(s)  
*Versus*  
Yashwant Jagu Malusare And Anr ...Respondent(s)

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**WITH**

**First Appeal NO. 1135 OF 2009**

Maharashtra Krishna Valley Development Corporation ...Appellant(s)  
*Versus*  
Parvati Parvati Dal D/h- Balasaheb Parvati Dale And Others ...Respondent(s)

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**WITH**

**First Appeal NO. 1136 OF 2009**

Maharashtra Krishna Valley Development Corporation ...Appellant(s)  
*Versus*  
Yashwant Annaji Kank D.h. Ganpat Yashwant Kank And ors ...Respondent(s)

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**WITH**

**First Appeal NO. 1137 OF 2009**

Maharashtra Krishna Valley Development Corporation Through Its Exe. Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Smt. Parvati Parvati Dal (deceased)  
Through Lrs Shri. Balasaheb Parvati Dal  
And Othrs ...Respondent(s)

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**WITH**

**First Appeal NO. 1138 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its Exe.  
Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Balu Genu Kank And ors. ...Respondent(s)

**WITH**

**First Appeal NO. 1139 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its Exe.  
Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Yashwant Vithu Kank And ors ...Respondent(s)

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**WITH**

**First Appeal NO. 1140 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its Exe.  
Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Ramchandra Hari Kank And ors ...Respondent(s)

**WITH**

**First Appeal NO. 1141 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its Exe.  
Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Sonu Khandu Kank And ors ...Respondent(s)

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**WITH**

**First Appeal NO. 1142 OF 2009**

Maharashtra Krishna Valley  
Development Corporation Through  
Its Exe. Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Nathu Bhau Kank (deceased) Through

Lrs. Shri. Dilip Nathu Kank And Othrs ...Respondent(s)

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**WITH**  
**First Appeal NO. 1143 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its  
Exe. Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Vitthal Raghu Kank And Othrs ...Respondent(s)

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**WITH**  
**First Appeal NO. 1144 OF 2009**

Maharashtra Krishna Valley Development  
Corporation Through Its  
Exe. Eng. Dr. Prakash K. Pawar ...Appellant(s)

*Versus*

Shri. Yashwant Jagu Malusare And ors. ...Respondent(s)

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**WITH**  
**First Appeal NO. 1145 OF 2009**

Maharashtra Krishna Valley Development  
Corporation ...Appellant(s)

*Versus*

Maruti Annaji Kank And ors. ...Respondent(s)

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**WITH**  
**First Appeal NO. 1146 OF 2009**

Maharashtra Krishna Valley Development  
Corporation ...Appellant(s)

*Versus*

Hasubai Dagdu Kank D.h. Sulabai  
Dagdu Kank And Othrs ...Respondent(s)

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**WITH**  
**First Appeal NO. 1147 OF 2009**

Maharashtra Krishna Valley Development  
Corporation ...Appellant(s)

*Versus*

Tatya Dagadu Kank And Othrs ...Respondent(s)

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**WITH  
First Appeal NO. 1181 OF 2012**

Mahadu Vithu Salekar And Othrs ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & ors. ...Respondent(s)

**WITH  
First Appeal NO. 1452 OF 2009**

Genba Anu Salekar & anr. ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & ors. ...Respondent(s)

**WITH  
First Appeal NO. 1593 OF 2008**

Tukaram Ramji Bhilare And Ors ...Appellant(s)  
*Versus*  
The Land Acquisition Officers & ors. ...Respondent(s)

**WITH  
First Appeal NO. 1601 OF 2008**

Bhagu Vithu Salekar ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & ors ...Respondent(s)

**WITH  
First Appeal NO. 1602 OF 2008**

Shri. Ramu Salekar  
Shri. Maruti Kondiba Salekar  
Smt. Muktabai G. Parte ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & ors. ...Respondent(s)

**WITH  
First Appeal NO. 1660 OF 2008**

Vithu Balu Salekar ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & ors. ...Respondent(s)

**WITH  
First Appeal NO. 1686 OF 2008**

Hausabai Vishnu Dere And Anr. ...Appellant(s)  
*Versus*  
The Land Acquisition Officer And Ors ...Respondent(s)

**WITH  
First Appeal NO. 1698 OF 2009**

Shri. Vithu Balu Salekar ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer & ors. ...Respondent(s)

**WITH  
First Appeal NO. 1699 OF 2009**

Parbati Dagdu Salekar And Others ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & ors. ...Respondent(s)

**WITH  
First Appeal NO. 1700 OF 2009**

Laxman Ravaji Salekar & ors. ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & ors. ...Respondent(s)

**WITH  
First Appeal NO. 1710 OF 2009**

Shri. Ramchandra Dhondiba Salekar ...Appellant(s)  
*Versus*  
The Land Acquisition Officer ...Respondent(s)

**WITH  
First Appeal NO. 1795 OF 2011**

Raghunath Narayan Salekar And Others ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & ors ...Respondent(s)

**WITH**  
**First Appeal NO. 1809 OF 2009**

Nathu Krishna Salekar ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer & ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 1834 OF 2008**

Shankar Raoji Dere ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 1988 OF 2008**

Narayan Haribhau Salekar And Othrs ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 1989 OF 2008**

Dhondiba Krishan Parthe ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 2115 OF 2011**

Dattatraya Vishnu Salekar & ors. ...Appellant(s)  
*Versus*  
The Spl Land Acquisition Officer & ors. ...Respondent(s)

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**WITH**  
**First Appeal NO. 2116 OF 2011**

Sopan Pandu Salekar And Othrs ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer And Anr ...Respondent(s)

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**WITH**  
**First Appeal NO. 2117 OF 2011**

Jankabai Dhondiba Parthe ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer and ors. ...Respondent(s)

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**WITH**  
**First Appeal NO. 2118 OF 2011**

Mr. Ankush Shankar Salekar And ors ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer And ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 2119 OF 2011**

Shri. Dagdu Manu Salekar Since  
Deceased Through His Legal Heirs; ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer & ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 2120 OF 2011**

Shri.Dagdu Sakharam Salekar Since  
Deceased Through Legal Heirs  
1-a)smt.Sulabai Dagdu Salekar And Anr ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & ors. . ...Respondent(s)

**WITH**  
**First Appeal NO. 2121 OF 2011**

Shri. Anand Mahadeo Salekar And Othrs ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer & ors. ...Respondent(s)

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**WITH**  
**First Appeal NO. 2122 OF 2011**

Bhau Hari Salekar ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer & ors. ...Respondent(s)

**WITH**  
**First Appeal NO. 2123 OF 2011**

Shri.Govind Dhondiba Salekar  
Since Deceased Thr. His Legal Heirs.  
1-a) Vithal Govind Salekar And Anr ...Appellant(s)  
*Versus*

The Special Land Acquisition Officer & ors. ...Respondent(s)

WITH

**First Appeal NO. 2124 OF 2011**

Shri.Baban Goju Salekar And Anr ...Appellant(s)

*Versus*

The Special Land Acquisition Officer & ors ...Respondent(s)

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WITH

**First Appeal NO. 2125 OF 2011**

Bhagu Laxman Salekar ...Appellant(s)

*Versus*

The Special Land Acquisition Officer & ors. ...Respondent(s)

WITH

**First Appeal NO. 2164 OF 2008**

Narayan Rama Dere And Anr ...Appellant(s)

*Versus*

The Land Acquisition Officer & ors. ...Respondent(s)

WITH

**First Appeal NO. 2165 OF 2008**

Maruti Kondiba Salekar And Others ...Appellant(s)

*Versus*

The Land Acquisition Officer & ors. ...Respondent(s)

WITH

**First Appeal NO. 2364 OF 2011**

Dinkar Ramji Salekar D.h.

Fulabai Dinkar Salekar

...Appellant(s)

*Versus*

The Land Acquisition Officer & ors. ...Respondent(s)

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WITH

**First Appeal NO. 2387 OF 2008**

Anu Raya Sanas And Anr ...Appellant(s)

*Versus*

The Land Acquisition Officer & ors. ...Respondent(s)

**WITH**  
**First Appeal (ST) NO. 9810 OF 2013**

Shri. Nathu Krushna Salekar And Ors. ...Appellant(s)  
*Versus*  
The Land Acquisition Officer & ors. . ...Respondent(s)

**WITH**  
**First Appeal NO. 1165 OF 2011**

Maharashtra Krishna Valley Development  
Corporation Through Its  
Executive Eng. Mr. Bapusaheb R. Pawar ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer ...Respondent(s)

**WITH**  
**First Appeal NO. 1166 OF 2011**

Maharashtra Krishna Valley Development  
Corporation Through Its  
Executive Eng. Mr. Bapusaheb R. Pawar ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer ...Respondent(s)

**WITH**  
**First Appeal NO. 1167 OF 2011**

Maharashtra Krishna Valley Development  
Corporation Through Its Executive  
Eng. Mr. Bapusaheb R. Pawar ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer And Othrs ...Respondent(s)

**WITH**  
**First Appeal NO. 1168 OF 2011**

Maharashtra Krishna Valley Development  
Corporation Through Its  
Executive Eng. Mr. Bapusaheb R. Pawar ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer And Othrs ...Respondent(s)

**WITH**  
**First Appeal NO. 1169 OF 2011**

Maharashtra Krishna Valley Development

Corporation Through Its  
Executive Eng. Mr. Bapusaheb R. Pawar ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer And Othrs ...Respondent(s)

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**WITH**

**First Appeal NO. 1170 OF 2011**

Maharashtra Krishna Valley Development  
Corporation Through Its Executive Eng.  
Mr. Bapusaheb R. Pawar ...Appellant(s)  
*Versus*

The Special Land Acquisition Officer And Othrs ...Respondent(s)

**WITH**

**First Appeal NO. 1171 OF 2011**

Maharashtra Krishna Valley Development  
Corporation Through Its  
Executive Eng. Mr. Bapusaheb R. Pawar ...Appellant(s)  
*Versus*

The Special Land Acquisition Officer And Othrs ...Respondent(s)

**WITH**

**First Appeal NO. 2543 OF 2011**

Maharashtra Krishna Valley Development  
Corporation Through Its  
Executive Eng. Mr. Bapusaheb R. Pawar ...Appellant(s)  
*Versus*

The Special Land Acquisition Officer ...Respondent(s)

**WITH**

**First Appeal NO. 2544 OF 2011**

Maharashtra Krishna Valley Development  
Corporation Through Its  
Executive Eng. Mr. Bapusaheb R. Pawar ...Appellant(s)  
*Versus*

The Special Land Acquisition Officer ...Respondent(s)

**WITH**

**First Appeal NO. 2546 OF 2011**

Maharashtra Krishna Valley  
Development Corporation Through  
Its Executive Eng. Mr. Bapusaheb R. Pawar ...Appellant(s)  
*Versus*

The Special Land Acquisition Officer & ors. ...Respondent(s)

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**WITH**

**First Appeal NO. 2547 OF 2011**

Maharashtra Krishna Valley  
Development Corporation Through  
Its Executive Eng. Mr. Bapusaheb R. Pawar ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer & ors....Respondent(s)

**WITH**

**First Appeal NO. 2548 OF 2011**

Maharashtra Krishna Valley Development  
Corporation Through Its Executive  
Eng. Mr. Bapusaheb R. Pawar ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer & ors. ...Respondent(s)

**WITH**

**First Appeal NO. 2549 OF 2011**

Maharashtra Krishna Valley Development  
Corporation Through Its Executive  
Eng. Mr. Bapusaheb R. Pawar ...Appellant(s)  
*Versus*  
The Special Land Acquisition Officer & ors....Respondent(s)

**WITH**

**First Appeal (ST) NO. 7980 OF 2008**

The State Of Maharashtra & anr. ...Appellants(s)  
*Versus*  
Raghu Bagu Sanas And Anr ...Respondent(s)

**WITH**

**CIVIL APPLICATION NOS. 3632, TO 3637 OF 2005 AND 2660 OF 2006,  
AND 3098, 1778, 1779, 1781, 1874 TO 1878 & 3556 OF 2008, AND  
2392, 4091, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688,  
690, 692, 694, 696, 716, 720, 724, 736, 738, 742, 744, 746, 756, 758,  
760, 764, 766, 2660 OF 2009 2009, AND 158, 1761, OF 2010 AND  
3027 TO 3041 OF 2015 AND 695, 696 OF 2017**

**WITH**

**CROSS OBJECTION (ST) NOS. 18626, 18630, 18637, 18639, 18635,  
18623, 18624, 18629, 18621, 18633, 18628, 18638, 18634,  
18640, 18631, 18622 AND 18627 OF 2007**

MATTER NOS.	APPEARANCE
CAF3098/08 IN FAST 12048/08 WITH CAF 3556/08	Yogesh Dabke and Ameet Palkar, AGP for Applicant /Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for original R.1 D.D.Shinde for MKVDC/original R.No.2
FA 53/2014	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar ,AGP for R.1 and 2 D.D.Shinde for MKVDC R.3
FA 102/2017	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar, AGP for R.1 and 2 D.D.Shinde for MKVDC R.3
FA 150/09	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet palkar AGP for R.1 and 3 D.D.Shinde for MKVDC R.2
FA 155/2017 WITH CAF 1875/08	Yogesh Dabke & Ameet Palkar AGP for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1a to 1c, 2 & 3. D.D.Shinde for MKVDC R.4
FA 156/2017	Yogesh Dabke & Ameet Palkar AGP for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 D.D.Shinde for MKVDC R.2

FA 260/09	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R. 1 and 3 D.D.Shinde for MKVDC R.2
FA 289/09	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R. 1 and 3 D.D.Shinde for MKVDC R.2
FA 290/09	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R. 1 and 3 D.D.Shinde for MKVDC R.2
FA 291/09	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R. 1 and 3 D.D.Shinde for MKVDC R.2
FA 328/08	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Ameet Palkar AGP for R.1 and 3 D.D.Shinde for MKVDC R.2
FA 509/10	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R. 1 and 2 D.D.Shinde for MKVDC R.3
FA 579/09	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R. 1 and 3 D.D.Shinde for MKVDC R.2

<p><b>FA 611/12</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R. 1 and 3 D.D.Shinde for MKVDC R.2</b></p>
<p><b>FA 718/09</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R. 1 and 3 D.D.Shinde for MKVDC R.2</b></p>
<p><b>FA 765/12 WITH CAF 2392/09</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant and Applicant Yogesh Dabke &amp; Ameet Palkar AGP for R. 1 and 3 D.D.Shinde for MKVDC R.2</b></p>
<p><b>FA 1089/09 WITH CAF 4091/09</b></p>	<p><b>D.D.Shinde for Appellant, Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.No. 1 to 3 and Applicant Ameet Palkar AGP for R. 4 and 5</b></p>
<p><b>FA 1090/09 WITH CAF 668/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant, Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R. 1 to 3 Yogesh Dabke &amp; Ameet Palkar AGP for R. 4 and 5</b></p>
<p><b>FA 1091/09 WITH CAF 670/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 to 6 Ameet Palkar AGP for R. 7 and 8</b></p>
<p><b>FA 1092/09 WITH CAF 672/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b></p>

<p><b>FA 1093/09 WITH CAF 674/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R. 1 to 3 Yogesh Dabke &amp; Ameet Palkar AGP for R. 4 and 5</b></p>
<p><b>FA 1094/09 WITH CAF 676/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R .1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b></p>
<p><b>FA 1095/09 WITH CAF 678/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R 1 to 5 Yogesh Dabke &amp; Ameet Palkar AGP for R. 6 and 7</b></p>
<p><b>FA 1096/09 WITH CAF 680/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R 1 to 5 Yogesh Dabke &amp; Ameet Palkar AGP for R. 6 and 7</b></p>
<p><b>FA 1097/09 WITH CAF 682/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R. 1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b></p>
<p><b>FA 1098/09 WITH CAF 684/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R. 1 and 2 Yogesh Dabke &amp; Ameet Palkar AGP for R. 3 and 4</b></p>
<p><b>FA 1099/09 WITH CAF 686/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R. 1 and 2 Yogesh Dabke &amp; Ameet Palkar AGP for R. 3 and 4</b></p>

<p><b>FA 1100/09 WITH CAF 688/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b></p>
<p><b>FA 1101/09 WITH CAF 690/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b></p>
<p><b>FA 1102/09 WITH CAF 692/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R. 1 to 3 Yogesh Dabke &amp; Ameet Palkar AGP for R. 4 and 5</b></p>
<p><b>FA 1103/09 WITH CAF 694/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 to 8 Yogesh Dabke &amp; Ameet Palkar AGP for R. 9 and 10</b></p>
<p><b>FA 1104/09 WITH CAF 696/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b></p>
<p><b>FA 1105/09</b></p>	<p><b>D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1. Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b></p>
<p><b>FA 1106/09</b></p>	<p><b>D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 and 2. Yogesh Dabke &amp; Ameet Palkar AGP for R. 3 and 4</b></p>

FA 1107/09	D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 Yogesh Dabke & Ameet Palkar AGP for R. 2 and 3
FA 1108/09	D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 to 6 Yogesh Dabke & Ameet Palkar AGP for R. 7 and 8
FA 1109/09	D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R. 1 to 4 Yogesh Dabke & Ameet Palkar AGP for R. 5 and 6
FA 1110/09	D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1. Yogesh Dabke & Ameet Palkar AGP for R. 2 and 3
FA 1111/09	D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1. Yogesh Dabke & Ameet Palkar AGP for R. 2 and 3
FA 1112/09	D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1. Yogesh Dabke & Ameet Palkar AGP for R. 2 and 3
FA 1113/09	D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 and 2 Yogesh Dabke & Ameet Palkar AGP for R. 3 and 4

<p><b>FA 1114/09 WITH CAF 716/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant                  Mr Gaurav Potnis a/w Mrs PH.Potnis                  and Mrs S.R.Fernandes for R. 1                  Yogesh Dabke &amp; Ameet Palkar AGP for                  R. 2 and 3</b></p>
<p><b>FA 1115/09</b></p>	<p><b>D.D.Shinde for Appellant                  Mr Gaurav Potnis a/w Mrs PH.Potnis                  and Mrs S.R.Fernandes for R. 1 to 4                  Yogesh Dabke &amp; Ameet Palkar AGP for                  R. 5 and 6</b></p>
<p><b>FA 1116/09 WITH CAF 720/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant                  Mr Gaurav Potnis a/w Mrs PH.Potnis                  and Mrs S.R.Fernandes for R. 1 to 4                  Yogesh Dabke &amp; Ameet Palkar AGP for                  R. 5 and 6</b></p>
<p><b>FA 1117/09</b></p>	<p><b>D.D.Shinde for Appellant                  Mr Gaurav Potnis a/w Mrs PH.Potnis                  and Mrs S.R.Fernandes for R.1.                  Yogesh Dabke &amp; Ameet Palkar AGP for                  R. 2 and 3</b></p>
<p><b>FA 1118/09 WITH CAF 724/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant                  Mr Gaurav Potnis a/w Mrs PH.Potnis                  and Mrs S.R.Fernandes for R.1.                  Yogesh Dabke &amp; Ameet Palkar AGP for                  R. 2 and 3</b></p>
<p><b>FA 1119/09</b></p>	<p><b>D.D.Shinde for Appellant                  Mr Gaurav Potnis a/w Mrs PH.Potnis                  and Mrs S.R.Fernandes for R.1 to 6                  Yogesh Dabke &amp; Ameet Palkar AGP for                  R. 7 and 8</b></p>
<p><b>FA 1120/09</b></p>	<p><b>D.D.Shinde for Appellant                  Mr Gaurav Potnis a/w Mrs PH.Potnis                  and Mrs S.R.Fernandes for R. 1 and 2                  Yogesh Dabke &amp; Ameet Palkar AGP for                  R. 3 and 4</b></p>

<p><b>FA 1121/09</b></p>	<p><b>D.D.Shinde for Appellant                  Mr Gaurav Potnis a/w Mrs PH.Potnis                  and Mrs S.R.Fernandes for R.1                  Yogesh Dabke &amp; Ameet Palkar AGP for                  R .2 and 3</b></p>
<p><b>FA 1122/09</b></p>	<p><b>D.D.Shinde for Appellant                  Mr Gaurav Potnis a/w Mrs PH.Potnis                  and Mrs S.R.Fernandes for R.1.                  Yogesh Dabke &amp; Ameet Palkar AGP for                  R. 2 and 3</b></p>
<p><b>FA 1123/09</b></p>	<p><b>D.D.Shinde for Appellant                  Mr Gaurav Potnis a/w Mrs PH.Potnis                  and Mrs S.R.Fernandes for R.1 and 2                  Yogesh Dabke &amp; Ameet Palkar AGP for                  R. 3 and 4</b></p>
<p><b>FA 1124/09 WITH CAF 736/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant                  Mr Gaurav Potnis a/w Mrs PH.Potnis                  and Mrs S.R.Fernandes for R.1 and 2                  Yogesh Dabke &amp; Ameet Palkar AGP for                  R. 3 and 4</b></p>
<p><b>FA 1125/09 WITH CAF 738/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant                  Mr Gaurav Potnis a/w Mrs PH.Potnis                  and Mrs S.R.Fernandes for R.1.                  Yogesh Dabke &amp; Ameet Palkar AGP for                  R. 2 and 3</b></p>
<p><b>FA 1126/09</b></p>	<p><b>D.D.Shinde for Appellant                  Mr Gaurav Potnis a/w Mrs PH.Potnis                  and Mrs S.R.Fernandes for R.1 and 2                  Yogesh Dabke &amp; Ameet Palkar AGP for                  R. 3 and 4</b></p>
<p><b>FA1127/09 WITH CAF 742/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant                  Mr Gaurav Potnis a/w Mrs PH.Potnis                  and Mrs S.R.Fernandes for R.1                  Yogesh Dabke &amp; Ameet Palkar AGP for                  R. 2 and 3</b></p>

<p><b>FA 1128/09 WITH CAF 744/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b></p>
<p><b>FA 1129/09 WITH CAF 746/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b></p>
<p><b>FA 1130/09</b></p>	<p><b>D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b></p>
<p><b>FA 1131/09</b></p>	<p><b>D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b></p>
<p><b>FA 1132/09</b></p>	<p><b>D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 to 3 Yogesh Dabke &amp; Ameet Palkar AGP for R. 4 and 5</b></p>
<p><b>FA 1133/09</b></p>	<p><b>D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 and 2 Yogesh Dabke &amp; Ameet Palkar AGP for R. 3 and 4</b></p>
<p><b>FA 1134/09 WITH CAF 756/09</b></p>	<p><b>D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b></p>

FA 1135/09 WITH CAF 758/09	D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for R.1 to 3 Yogesh Dabke & Ameet Palkar AGP for R. 4 and 5
FA 1136/09 WITH CAF 760/09	D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for R.1 Yogesh Dabke & Ameet Palkar AGP for R. 2 and 3
FA 1137/09	D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for R.1 and 2 Yogesh Dabke & Ameet Palkar AGP for R. 3 and 4
FA 1138/09 WITH CAF 764/09	D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for R.1 Yogesh Dabke & Ameet Palkar AGP for R. 2 and 3
FA 1139/09 WITH CAF 766/09	D.D.Shinde for Appellant/Applicant Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for R.1 Yogesh Dabke & Ameet Palkar AGP for R. 2 and 3
FA 1140/09	D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for R.1 Yogesh Dabke & Ameet Palkar AGP for R. 2 and 3

FA 1141/09	<b>D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R. 1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b>
FA 1142/09	<b>D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R. 1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b>
FA 1143/09	<b>D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 to 4 Yogesh Dabke &amp; Ameet Palkar AGP for R.5 and 6</b>
FA 1144/09	<b>D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R. 1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b>
FA 1145/09	<b>D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R. 1 Yogesh Dabke &amp; Ameet Palkar AGP for R. 2 and 3</b>
FA 1146/09	<b>D.D.Shinde for Appellant Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for R.1 to 3 Yogesh Dabke &amp; Ameet Palkar AGP for R. 4 and 5</b>

<p><b>FA 1147/09</b></p>	<p><b>D.D.Shinde for Appellant                  Mr Gaurav Potnis a/w Mrs                  PH.Potnis and Mrs S.R.Fernandes                  for R.1 and 2                  Yogesh Dabke &amp; Ameet Palkar                  AGP for R. 3 and 4</b></p>
<p><b>FA 1181/12</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs                  PH.Potnis and Mrs S.R.Fernandes                  for Appellant                  Yogesh Dabke &amp; Ameet Palkar                  AGP for R. 1 and 3                  D.D.Shinde ,MKVDC for R.2</b></p>
<p><b>FA 1452/09</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs                  PH.Potnis and Mrs S.R.Fernandes                  for Appellant                  Yogesh Dabke &amp; Ameet Palkar                  AGP for R. 1 and 3                  D.D.Shinde ,MKVDC for R.2</b></p>
<p><b>FA 1464/05 WITH CAF 2660/06,                  XOBST 18626/07</b></p>	<p><b>Yogesh Dabke &amp; Ameet Palkar                  AGP for Appellant/Applicant                  Mr Gaurav Potnis a/w Mrs                  PH.Potnis and Mrs S.R.Fernandes                  for R 1 and 2</b></p>
<p><b>FA 1465/05 WITH CAF 3632/05</b></p>	<p><b>Yogesh Dabke &amp; Ameet Palkar                  AGP for Appellant/Applicant                  Mr Gaurav Potnis a/w Mrs                  PH.Potnis and Mrs S.R.Fernandes                  for Respondents</b></p>
<p><b>FA 1466/05 WITH CAF 3633/05</b></p>	<p><b>Yogesh Dabke &amp; Ameet Palkar                  AGP for Appellant/Applicant                  Mr Gaurav Potnis a/w Mrs                  PH.Potnis and Mrs S.R.Fernandes                  for R 1 to 3</b></p>
<p><b>FA 1467/05 WITH CAF 3634/05</b></p>	<p><b>Yogesh Dabke &amp; Ameet Palkar                  AGP for Appellant/Applicant                  Mr Gaurav Potnis a/w Mrs                  PH.Potnis and Mrs S.R.Fernandes                  for Respondents</b></p>

<p><b>FA 1468/05 WITH CAF 3635/05</b></p>	<p><b>Yogesh Dabke &amp; Ameet Palkar                  AGP for Appellant/Applicant                  Mr Gaurav Potnis a/w Mrs                  PH.Potnis and Mrs S.R.Fernandes                  for Respondents</b></p>
<p><b>FA 1469/05 WIRH CAF 3636/05</b></p>	<p><b>Yogesh Dabke &amp; Ameet Palkar                  AGP for Appellant/Applicant                  Mr Gaurav Potnis a/w Mrs                  PH.Potnis and Mrs S.R.Fernandes                  for Respondents</b></p>
<p><b>FA 1470/05 WITH CAF 3637/05</b></p>	<p><b>Yogesh Dabke &amp; Ameet Palkar                  AGP for Appellant/Applicant                  Mr Gaurav Potnis a/w Mrs                  PH.Potnis and Mrs S.R.Fernandes                  for Respondents</b></p>
<p><b>FA 1593/08</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs                  PH.Potnis and Mrs S.R.Fernandes                  for Appellant                  Yogesh Dabke &amp; Ameet Palkar                  AGP for R. 1 and 3                  D.D.Shinde ,MKVDC for R.2</b></p>
<p><b>FA 1601/08</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs                  PH.Potnis and Mrs S.R.Fernandes                  for Appellant                  Yogesh Dabke &amp; Ameet Palkar                  AGP for R.1 and 3                  D.D.Shinde ,MKVDC for R.2</b></p>
<p><b>FA 1602/08</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs                  PH.Potnis and Mrs S.R.Fernandes                  for Appellant                  Yogesh Dabke &amp; Ameet Palkar                  AGP for R. 1 and 3                  D.D.Shinde ,MKVDC for R.2</b></p>
<p><b>FA 1660/08</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs                  PH.Potnis and Mrs S.R.Fernandes                  for Appellant                  Yogesh Dabke &amp; Ameet Palkar                  AGP for R.1 and 3                  D.D.Shinde ,MKVDC for R.2</b></p>

<b>FA 1686/08</b>	<b>Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R.1 and 3 D.D.Shinde ,MKVDC for R.2</b>
<b>FA 1698/09</b>	<b>Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R.1 and 3 D.D.Shinde ,MKVDC for R.2</b>
<b>FA 1699/09</b>	<b>Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R. 1 and 3 D.D.Shinde ,MKVDC for R.2</b>
<b>FA 1700/09</b>	<b>Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R. 1 and 3 D.D.Shinde ,MKVDC for R.2</b>
<b>FA 1710/09</b>	<b>Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R. 1 and 3 D.D.Shinde ,MKVDC for R.2</b>
<b>FA 1795/011</b>	<b>Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R. 1 and 2 D.D.Shinde ,MKVDC for R.3</b>

<p><b>FA 1809/09</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R. 1 and 2</b></p>
<p><b>FA 1834/08</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R. 1 and 3 D.D.Shinde ,MKVDC for R.2</b></p>
<p><b>FA 1988/08</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R. 1 and 3 D.D.Shinde ,MKVDC for R.2</b></p>
<p><b>FA 1989/08</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R. 1 and 3 D.D.Shinde ,MKVDC for R.2</b></p>
<p><b>FA 2115/11</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R. 1 and 2 D.D.Shinde ,MKVDC for R.3</b></p>
<p><b>FA 2116/11</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R.1 and 2 D.D.Shinde ,MKVDC for R.3</b></p>

FA2117/11	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R. 1 and 2 D.D.Shinde ,MKVDC for R.3
FA 2118/11	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R 1 and 2 D.D.Shinde ,MKVDC for R.3
FA 2119/11	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R 1 and 2 D.D.Shinde ,MKVDC for R.3
FA 2120/11	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R 1 and 2 D.D.Shinde ,MKVDC for R.3
FA 2121/11	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R. 1and 2 D.D.Shinde ,MKVDC for R.3
FA 2122/11	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R 1 and 2 D.D.Shinde ,MKVDC for R.3

FA 2123/11	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R 1 and 2 D.D.Shinde ,MKVDC for R.3
FA 2124/11	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R 1and 2 D.D.Shinde ,MKVDC for R.3
FA 2125/11	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R 1and 2 D.D.Shinde ,MKVDC for R.3
FA 2164/08	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R 1and 3 D.D.Shinde ,MKVDC for R.2
FA 2165/08	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R 1and 3 D.D.Shinde ,MKVDC for R.2
FA 2364/11	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R 1and 2 D.D.Shinde ,MKVDC for R.3
FA 2387/08	Mr Gaurav Potnis a/w Mrs PH.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke & Ameet Palkar AGP for R 1and 3 D.D.Shinde ,MKVDC for R.2

<p><b>FAST 9810/13</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for Appellant Yogesh Dabke &amp; Ameet Palkar AGP for R 1and 2 D.D.Shinde ,MKVDC for R.3</b></p>
<p><b>CAF 158/10 IN FAST 1380/10</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for Applicant/Appellant Yogesh Dabke &amp; Ameet Palkar AGP for original R 1and 2 D.D.Shinde ,MKVDC for original.R.3</b></p>
<p><b>CAF 695/17 IN FAST 7974/08 with CAF 1874/08</b></p>	<p><b>Yogesh Dabke &amp; Ameet Palkar AGP for Applicant/Appellant Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R.1 D.D.Shinde ,MKVDC for original R.2</b></p>
<p><b>CAF 696/17 IN FAST 7976/08 with CAF 1878/08</b></p>	<p><b>Yogesh Dabke &amp; Ameet Palkar AGP for Applicant/Appellant Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R 1 to 3 D.D.Shinde ,MKVDC for original R.4</b></p>
<p><b>CAF 1761/10 IN FAST 9727/10</b></p>	<p><b>Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for Applicant/Appellant Yogesh Dabke &amp; Ameet Palkar AGP for original R. 1 and 2 D.D.Shinde ,MKVDC for original R.3</b></p>
<p><b>CAF 1778/08 IN FAST 7974/08 WITH CAF 1874/08</b></p>	<p><b>Yogesh Dabke &amp; Ameet Palkar AGP for Applicant/Appellant Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R. 1 D.D.Shinde ,MKVDC for originalR.2</b></p>

<p><b>CAF 1779/08 IN FAST 7976/08 WITH CAF 1878/08</b></p>	<p><b>Yogesh Dabke &amp; Ameet Palkar AGP for Applicant/Appellant Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R. 1 to 3. D.D.Shinde ,MKVDC for original R.4</b></p>
<p><b>CAF 1781/08 IN FAST 7980/08 WITH CAF 1876/08</b></p>	<p><b>Yogesh Dabke &amp; Ameet Palkar AGP for Applicant/Appellant Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R.1 ,2, 4 D.D.Shinde ,MKVDC for original R.3</b></p>
<p><b>CAF 3027/15 IN FA1165/11</b></p>	<p><b>D.D.Shinde ,for Applicant/Appellant Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original claimants Yogesh Dabke &amp; Ameet Palkar AGP for Original R. 1 and 2</b></p>
<p><b>CAF 3028/15 IN FA 1166/11</b></p>	<p><b>D.D.Shinde ,for Applicant/Appellant Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original claimants Yogesh Dabke &amp; Ameet Palkar AGP for Original R. 1 and 2</b></p>
<p><b>CAF 3029/15 IN FA 1167/11</b></p>	<p><b>D.D.Shinde ,for Applicant/Appellant Yogesh Dabke &amp; Ameet Palkar AGP for Original R. 1 and 2 Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R. 3 and 4</b></p>
<p><b>CAF 3030/15 IN FA 1168/11</b></p>	<p><b>D.D.Shinde ,for Applicant/Appellant Yogesh Dabke &amp; Ameet Palkar AGP for Original R. 1 and 2 Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R.3.</b></p>

CAF 3031/15 IN FA 1169/11	D.D.Shinde ,for Applicant/Appellant Yogesh Dabke & Ameet Palkar AGP for Original R. 1 and 2 Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R.3
CAF 3032/15 IN FA 1170/11	D.D.Shinde ,for Applicant/Appellant Yogesh Dabke & Ameet Palkar AGP for Original R. 1 and 2 Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R.3
CAF 3033/11 IN FA 1171/11	D.D.Shinde ,for Applicant/Appellant Yogesh Dabke & Ameet Palkar AGP for Original R. 1 and 2 Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R.3
CAF 3034/15 IN FA 2542/11	D.D.Shinde ,for Applicant/Appellant Yogesh Dabke & Ameet Palkar AGP for Original R. 1 and 2 Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R.3
CAF 3035/11 IN FA 2543/11	D.D.Shinde ,for Applicant/Appellant Yogesh Dabke & Ameet Palkar AGP for Original R. 1 and 2 Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R.3
CAF 3036/11 IN FA 2544/11	D.D.Shinde ,for Applicant/Appellant Yogesh Dabke & Ameet Palkar AGP for Original R. 1 and 2 Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R.3

CAF 3037/15 IN FA 2545/11	D.D.Shinde ,for Applicant/Appellant Yogesh Dabke & Ameet Palkar AGP for Original R. 1 and 2 Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R.3
CAF 3038/15 IN FA 2546/11	D.D.Shinde ,for Applicant/Appellant Yogesh Dabke & Ameet Palkar AGP for Original R. 1 and 2 Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R.3
CAF 3039/11 IN FA 2547/11	D.D.Shinde ,for Applicant/Appellant Yogesh Dabke & Ameet Palkar AGP for Original R. 1 and 2 Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R.3
CAF 3040/15 IN FA 2548/11	D.D.Shinde ,for Applicant/Appellant Yogesh Dabke & Ameet Palkar AGP for Original R. 1 and 2 Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R.3
CAF 3041/15 IN FA 2549/11	D.D.Shinde ,for Applicant/Appellant Yogesh Dabke & Ameet Palkar AGP for Original R. 1 and 2 Mr Gaurav Potnis a/w Mrs P.H.Potnis and Mrs S.R.Fernandes for original R.3

CORAM : M. S. SONAK, J.

Date of Reserving the Judgment : 10 March 2017.

Date of Pronouncing the Judgment : 29 March 2017.

**COMMON JUDGMENT:**

1] In all these matters , Mr. Dabke and Mr. Ameet Palkar,  
Assistant Government Pleaders (AGPs) appear for the State of

-Maharashtra. Mr. D.D.Shinde appears for the Maharashtra Krishna Valley Development Corporation (MKVDC), which claims to be the acquiring body. Mr.Gaurav Potnis appears for the claimants. I have heard the learned counsel for the parties extensively. They have also filed notes of arguments in these matters.

**PRELIMINARY MATTERS:**

2] The challenge in these appeals is to the awards made by the reference courts determining compensation in respect of lands in the villages of Dabkeghar, Salav and Deoghar, Tal. Bhor, Dist. Pune. The lands came to be acquired in pursuance of Notifications under section 4 of the Land Acquisition Act, 1894 (said Act) issued in the year 1993-1994 for the public purpose of Neera Deoghar Irrigation Project (NDIP). The acquired lands in the three villages, have since submerged under the waters of NDIP.

3] In all these matters, the Special Land Acquisition Officers (SLAO) made awards determining the rate of compensation. As the claimants were dissatisfied with the offer, references were made under section 18 of the said Act to the reference courts. Vide judgment and awards impugned in these matters, the reference courts have determined compensation at the following rates:

- (a) Dabkeghar lands - Rs.2,55,000/- per hectare
- (b) Salav lands - Rs.1,00,000/- to Rs.1,14,000/- per hectare.
- (c) Deoghar lands - Rs.2,25,000/- per hectare.

4] In respect of Dabkeghar lands, the lead matter before the reference court was LAR No. 70 of 1997, in which, the parties led

oral evidence and produced documentary evidence. The judgment and award dated 24 August 2004 in LAR No. 70 of 1997 has been challenged by the State Government in First Appeal No. 1464 of 2005. The claimants have lodged Cross Objection No. 18626 of 2007 in the matter of denial of appropriate interest in terms of section 28 of the said Act. The learned counsel for the parties agree that this first appeal and cross objections be taken as lead matters in respect of Dabkeghar lands and the decision in these matters will govern the following connected first appeals relating to Dabkeghar lands: 1464/2005 and XOBST/18626/2007; 1465/2005 and XOBST 18630 /2007; 1466/2005 and XOBST/18637/2007; 1467/2005 and XOBST/18639/2007 ; 1468/2005 and XOBST/18635/2007; 1172/2011 ; 1469/2005 and XOBST/18623/2007; 1470/2005 and XOBST/18624/2007; 1492/2005 and XOBST/18629/2007; 1494/2005 and XOBST/18621/2007; 1486/2005 ;1495/2005 ; 1487/2005 and XOBST/18633/2007; 1491/2005 and XOBST/18628/2007; 1489/2005; XOBST/18638/2007; 1490/2005 and XOBST/18634/2007; 1496/2005 and XOBST/18640/2007; 670/2008; 482/2008; 1529/2005 and XOBST/18631/2007; 1530/2005 and XOBST/18622/2007; 531/2008 ; XOBST/18627/2007; 1748/2007 ; 1463/2008; 1397/2006; 374/2009; 636/2007; 1747/2007

5] In respect of Salav lands, the lead matter before the reference court was LAR No. 5 of 1998, in which, the parties led oral evidence and produced documentary evidence. The judgment and award dated 29 January 2005 in LAR No. 5 of 1998 has been challenged by

the claimants in First Appeal No. 150 of 2009. The MKVDC, claiming to be the acquiring body, has also challenged the very same judgment and award in First Appeal (St.) No. 19074 of 2008. The State Government has also instituted about five appeals, in matters related to Salav lands. The learned counsel for the parties agree that these two first appeals be taken as lead matters in respect of Salav lands and the decision in these matters will govern the following connected matters relating to Salav lands: First Appeal Nos. - 150/2009; 2117/2011; 2542/2011; 1809/2009; 1593/2008; 2164/2008; 2118/2011; 2364/2011 ; 2119/2011; 2120/2011; 1834/2008; 290/2009; 260/2009; 1710/2009; 2121/2011; 1699/2009; 328/2008; 2116/2011; 291/2009; 2122/2011; 1686/2008; 289/2009; 1795/2011; 765/2012; 1602/2008; 2123/2011; 1988/2008; 2165/2008; 1989/2008; 102/2017; 2115/2011; 718/2009; 1601/2008; 2124/2011; 2125/2011; 579/2009; 53/2014; 1700/2009; 509/2010; 611/2012; 1698/2009; 1660/2008; 1452/2009; 1181/2012 and First Appeal (St) Nos. - 1380/2010; 9727/2010 ; 9810/2013; **(Filed by the Claimants)**.

First Appeal Nos.- 180/2017; 2545/2011; 1925/2011; 179/2017; 181/2017 ; 183/2017 and First Appeal (St.) Nos. - 19074/2008; 13014/2008; 13520/2008. **(Filed by the MKVDC)**.

First Appeal Nos. - 2310/2006; 155/2017; 156/2017 and First Appeal (St.) Nos. 7974/2008; 12048/2008 ; 7976/2008. **(Filed by the State Government)**

6] In respect of Deoghar lands, the lead matter before the reference court was LAR No. 276 of 1997, in which, the parties led oral evidence and produced documentary evidence. The judgment

and award dated 5 April 2008 in LAR No. 276 of 1997 has been challenged by the the MKVDC in First Appeal No. 1089 of 2009. The learned counsel for the parties agree that this first appeal be taken as lead matter in respect of Deoghar lands and the decision in these matters will govern the following connected first appeals relating to Deoghar lands: 1089/2009; 1138/2009; 1108/2009; 1100/2009; 1146/2009; 1094/2009; 1095/2009; 1096/2009; 1097/2009; 1101/2009; 1098/2009; 1145/2009; 1093/2009; 1099/2009; 1092/2009; 1100/2009; 1090/2009; 1103/2009; 1112/2009; 1105/2009; 1106/2009; 1107/2009; 1091/2009; 1109/2009; 1110/2009; 1111/2009; 1147/2009; 1137/2009; 1114/2009; 1115/2009; 1116/2009; 1136/2009; 1118/2009; 1119/2009; 1104/2009; 1121/2009; 1122/2009; 1135/2009; 1126/2009; 1127/2007; 1124/2009; 1125/2009; 1129/2009; 1128/2009; 1130/2009; 1120/2009; 1131/2009; 1132/2009; 1133/2009; 1134/2009; 1113/2009; 1117/2009; 1123/2009; 1102/2009; 1139/2009; 1140/2009; 1141/2009; 1142/2009; 1143/2009; 1144/2009.

7] The judgment and award dated 24 August 2004 in LAR No. 70 of 1997 in respect of Dabkeghar lands has been relied upon by the reference courts in deciding the references related to Salav lands and Deoghar lands. The learned AGPs and Mr. Shinde have therefore, urged that First Appeal No. 1464 of 2005, which challenges the said judgment and award be taken up for consideration first. The learned counsel for the parties also submit that it would be appropriate if all the matters are disposed of by common judgment and order, since, the evidence in the three sets of matters is substantially common and

to some extent interrelated.

8] The acquisition of lands in the three villages was for the public purpose of NDIP. The section 4 Notifications, though not common, were declared in the year 1993-1994. The three villages are in the same vicinage. The evidence is substantially common and interrelated. Learned counsel for the parties have relied upon evidence in one set of matters to support their contentions in the other. This was permitted particularly because the evidence was complementary. For example, in respect of references relating to Dabkeghar and Salav lands certified copies of sale instances were produced in evidence. The vendors or the vendees or the attesting witnesses in respect of most of such sale instances were however, examined in references relating to Deoghar lands. Similarly, copies of maps or plans have been produced in one set of matters, but were relied upon in the other set of matters. Taking into consideration such circumstances, it will be appropriate to dispose of all these matters by a common judgment and order. In order to facilitate such disposal, however, reference will be made to the lead matters as indicated in paragraphs 4,5 and 6 above.

**SUBMISSIONS ON BEHALF OF THE PARTIES**

9] In First Appeal No. 1464 of 2005 relating to Dabkeghar lands, Mr. Dabke, Mr. Palkar, learned AGPs and Mr. Shinde submit that the compensation determined by the reference court is excessive and therefore unsustainable. They submit that the claimants have themselves admitted in their depositions that the acquired lands

were undeveloped. There was no transportation facility in their villages. There were no hospitals, bazaars or other public amenities available. They submit that even the land quality was quiet inferior and fit only to grow grass.

10] In case of Dabkeghar and Salav lands, they submit that the reference court erred in relying upon certified copies of sale deeds, even though vendors and vendees were never examined. They submit that such reliance was contrary to the law laid down by the Hon'ble Supreme Court in *Kummari Veeraiah and ors. vs. State of A.P. - (1995) 4 SCC 136*.

11] They further submit that the reference courts clearly erred in relying upon sale instances from Nirgudghar, Nangaon and Aпти, even though they were not comparable instances. They point out that Dabkeghar and Salav are in the interiors, to the south of River Neera. In contrast, Nirgudghar, Nangaon and Aпти are to the north of River Neera and most importantly benefited by the Mahad-Pandharpur Highway (State Highway), which passes through these villages. They submit that these villages fall within the benefited zone of NDIP as opposed to the acquired lands, which fell within the affected zone. They submit that the sale deeds relied upon by the reference court pertains to small plots, in one case to a developed plot and in at least two cases to plots abutting the State Highway. These sale instances, they submit, ought not to have been considered by the reference court.

12] They submit that the reference courts should have entirely relied upon sale instances from villages Kari, Ryari, Mhasar Budruk, Mhasar Khurd, Nivangaon which afford comparable instances. They say that the quality of the soil, location, terrain, amenities or rather the lack of amenities in these villages is at par with Dabkeghar, Salav and Deoghar. They submit that the reference courts have relied upon sale instances in respect of incomparable lands, but excluded consideration of sale instances of comparable lands.

13] They submit that the reference courts have grossly erred in applying the principle of averages in order to determine the market rates. They submit that sale instances which were incomparable and which reflected abnormally high rates on account of special features with which they were benefited were incorrectly relied upon by the reference courts. Such sale instances hiked the average rate . They submit that such an approach is contrary to the principles settled by the Hon'ble Supreme Court in such matters.

14] They submit that the rate of Rs.2,55,000/- for Dabkeghar lands is too excessive. They say that even the rate of Rs.1,00,000/- to Rs.1,14,000/- in respect of Salav lands is also excessive. They say that the rates determined by SLAO were quite proper. They say that reliance upon sale instances from Nirgudhgar, Nangaon and Aпти were improper. In any case, no balancesheet of plus and minus factors was prepared by the reference courts. No proper deductions have been made from the rates reflected in the exemplars. They say that all these are serious infirmities which ail the impugned awards

15] In First Appeal No. 1089 of 2009 and connected matters involving Deoghar lands, Mr. Shinde submits that the reference applications were clearly barred by limitation. The reference courts were, therefore, not entitled to entertain the references. Mr. Shinde submits that the SLAO, in these matters, made the award on 22 January 1996. There is material on record which establishes that notice under section 12(2) of the said Act was duly served upon the claimants on or before 1 October 1996. However, the reference was applied for only on 30 December 1996, which is beyond the six weeks period prescribed in section 18(2)(b) of the said Act. The claimants in these cases were not entitled to the benefit of the extended period of six months from the date of the award since notices under section 12(2) of the said Act were served upon them. In any case, since applications seeking reference were made beyond six months from the date of the award, the same were clearly barred and the reference court had no authority or jurisdiction to entertain the same on merits. Mr. Shinde also submits that in a matter of this nature, the claimants were not entitled to set off the period spent by them for the purpose of obtaining certified copy of the award dated 22 January 1996. The exclusion of such period by the reference court is contrary to the law laid down by Single Judge of this court in *Shantaram Ganesh Shenoy vs. Special Land Acquisition Officer, Ratnagiri – 2006 (93) Mh.L.J. 781* and the Division Bench in *Bahadur Singh Jhala vs. Special Land Acquisition Officer, Pune and anr. - 2009(1) Mh.L.J. 236*.

16] Without prejudice to the issue of limitation, Mr. Shinde submits that the rate determined by the reference court is excessive.

He submits that there is no shred of evidence made available to determine similarity between the Deoghar lands and sale instances in villages Nirgudghar, Nangaon and Apti. He submits that the award in LAR No. 70 of 1997 could not have been relied upon since MKVDC was not made a party to the said reference proceedings. In any case, he submits that there is no evidence on record to demonstrate similarity between Deoghar lands and Dabkeghar lands. He submits that the sale instances are not comparable, since, they refer to small plots of land and are from villages which have great development potential due to factors like State Highway and proximity to Tahsil place, Bhor. For these reasons, he submits that the determination of rates by the reference court is liable to be set aside and the determination of rates by the SLAO be restored.

17] Mr. Potnis, who appears for the claimants in all these matters, has countered the submissions made by the AGPs and Mr. Shinde. He submits that there is no difference between Dabkeghar lands and the lands at Nirgudghar, Nangaon and Apti. He submits that the material on record, in fact, justifies the rate of at least Rs.3,00,000/- per hectare. He submits that this court should in fact enhance the rate, particularly since the claimants are ready to pay deficit court fees, should, excess compensation be awarded. He relies upon the decisions of the Hon'ble Supreme Court in *Bhimasha vs. SLAO – (2008) 10 SCC 797*, to submit that such a course of action is open to the appeal court.

18] He submits that the material on record establishes that there was hardly any water in the Neera River for most parts of the year

and in any case, there was a bridge connecting the villages on either side of the river. In contrast, he submits that the sale instances at Rayari or Kari are not at all comparable. Between Dabkeghar and Kari there are at least two hills and distance between the two villages is 6-8 Kms. Rayari village is in the extreme interiors having virtually no road accessibility. There is no material produced on record to indicate that the villages of Nirgudghar, Nangaon and Aпти are developed or had any serious development potential. The sale instances in these three villages also mainly relate to grass lands. Only some of the sale instances relate to lands abutting the highway. However, there is no presumption that even such lands automatically qualify as developed lands or lands used for non-agricultural purposes. In fact, development or non-agricultural user, in such areas, is mostly in the interiors where Gaothan is set up because amenities like water supply etc. are readily available. For all these reasons, Mr. Potnis submits that the contentions of the AGPs and Mr. Shinde are liable to be rejected.

19] Mr. Potnis submits that methodology of averages adopted by the SLAO and the reference court has in fact worked to disadvantage of the claimants. He submits that the sale instances with the highest rate were required to be taken into consideration as per the law laid down by the Hon'ble Supreme Court in *Anjani Desai vs. State of Goa – 2010 (13) SCC 710*. He submits that there is no bar to the reference court taking into consideration sale instances of small plots, particularly because the acquisition in individual instances, is also in respect of small plots. In any case, some allowance can always be made towards factors like smallness or proximity to State Highway

for purposes of determination of market rate in respect of the acquired lands. He submits that this is not a case where comparison was necessary between sale instances in relation to developed plots and undeveloped acquired plots. In this case, even the sale instances relate to undeveloped plots. Further, the acquisition in this case was because the acquired lands were to submerge in the waters of NDIP. There was, accordingly, no necessity of making any deductions towards development charges, set backs, provision of amenities etc. Mr. Potnis submits that the highest comparable instances reflect rate of about Rs.3,50,000/- per hectare. Therefore, even if deduction of 10 to 15 percent is made, the rate to be determined is in excess of Rs.3,00,000/- per hectare.

20] Mr. Potnis, in support of the cross-objections, submits that the impugned award dated 24 August 2004 is vitiated by an error apparent on the face of record inasmuch as there is failure to take into consideration the proviso to section 28(1) of the said Act in the matter of provision for interest. Mr. Potnis submits that for the period beyond one year from the date the claimants lost their possession of the acquired lands, interest at the rate of 15% per annum was required to be awarded. The cross-objections are therefore, liable to be allowed in their entirety.

21] Mr. Potnis further submits that there is no appreciable difference between Dabkeghar lands and Salav lands. Therefore, the rate determined by the reference court in LAR No. 70 of 1997 in respect of Dabkeghar lands ought to have been determined as the rate in respect of Salav lands. He submits that neither the State

Government nor MKVDC have been candid to the court. He submits that when it comes to determination of rates for Dabkeghar lands or Salav lands, learned AGPs and Mr. Shinde contend that since these lands are to the south of River Neera and since the State Highway, which passes through the villages of Nirgudghar, Nangaon and Aпти, is to the north of River Neera, the sale instances from these three villages afford no comparison. Mr. Potnis submits that however, when it comes to determination of rates in respect of Deoghar lands , which are also to the north of River Neera and in proximity of State Highway, the learned AGPs and Mr. Shinde abandon this line of argument and even go to the extent of suggesting that the Deoghar lands are inferior to Dabkeghar lands.

22] In First Appeal No. 150 of 2009 relating to Salav lands, Mr.Potnis submits that the rate determined by the reference court is totally inadequate. He submits that there is ample material on record which establishes that there is no substantial difference between Dabkeghar lands and Salav lands. Both the villages are on the southern river bank of River Neera. Both the villages share a common boundary. There is a bridge on the River Neera from Nirgudghar to Dabkeghar, which, serves as access to the village Salav as well. The lands in villages of Kari and Ryari are not comparable to the Salav lands, which are far better. The sale instance from Kari relates to land used for cremation purposes. Other instances from Kari or Ryari are sales between close relatives like father and daughter etc. There was no justification whatsoever to deny the Salav lands the same compensation as is awarded to the Dabkeghar lands.

23] In First Appeal No. 1089 of 2009 relating to Deoghar lands, Mr. Potnis for the claimants objected to the very maintainability of the appeals by submitting that the MKVDC cannot be regarded as acquiring body insofar as the present acquisitions are concerned. He submits that the acquisitions in the present case were made in pursuance of section 4 notification which was published on 19 August 1993. The MKVDC, which is the statutory corporation, has been established under the Maharashtra Krishna Valley Development Corporation Act, 1996, some time in the year 1996. In such circumstances, it can never be said that the acquisition was for the purposes of MKVDC or that the acquisition was at the cost of any fund controlled or managed by the MKVDC. Mr. Potnis submits that the MKVDC cannot even be construed as 'local authority' as defined under section 3(aa) of the said Act. Mr. Potnis relies upon the decision of the Division Bench of this court in *Maharashtra Krishna Valley Development Corporation vs. State of Maharashtra and ors – 2014 (4) Bom.C.R. 626 (Para 13)*, in support of these submissions.

24] On the aspect of limitation, Mr. Potnis submits that there is absolutely no material brought on record by MKVDC or the SLAO to establish that notice under section 12(2) of the said Act was really served upon the claimants. In any case, he submits that there is absolutely no material brought on record by MKVDC and the SLAO that the copy of the award had accompanied any notice under section 12(2) of the said Act at the time of alleged service. He submits that the onus of proving such matters was squarely upon the MKVDC or the State and such onus has been far from discharged.

Further, Mr. Potnis points out that even the communication dated 26 March 1997 by which the SLAO, actually made or forwarded the reference to the reference court, clearly states that the award was made on 10 May 1996 and not on 22 January 1996. The perusal of the award also makes it clear that the same was declared on 10 May 1996. In such circumstances, it can never be said that the references were time barred under section 18(2)(b) of the said Act. Mr. Potnis has placed reliance upon number of decisions, including in particular, the decision of the Hon'ble Supreme Court in the case of *Premji Nathu vs. State of Gujarat & Anr. 2012(5) Mh.L.J. 514*.

25] For all the aforesaid reasons, Mr. Potnis, the learned counsel for the claimants, submits that the appeals instituted by the State Government and the MKVDC are liable to be dismissed and the appeals and cross-objections instituted by the claimants are liable to be allowed.

**POINTS FOR DETERMINATION**

26] On the basis of the submissions of learned counsel for the parties, the following points arise for determination in these matters:

a] In First Appeal No. 1464 of 2005 relating to Dabkeghar lands, does the State Government establish that the rate of Rs.2,55,000/- per hectare determined by the reference court in LAR No. 70 of 1997 is excessive ?

b] In Cross-Objection No. 18626 of 2007 in First Appeal No. 1464 of 2005, do the claimants establish that they are

entitled to interest on the excess compensation determined by the reference court at the rate of 15% per annum under section 28 of the said Act ?

c] In First Appeal (St) No. 19074 of 2008 and First Appeal No. 2310 of 2006 relating to Salav lands, do the MKVDC and State Government establish that the rate of Rs.1,00,000/- to Rs.1,14,000/- per hectare determined by the reference court in LAR No. 5 of 1998 and LAR No. 4 of 1998 is excessive ?

d] In First Appeal No. 150 of 2009 relating to Salav lands, do the claimants establish that the rate of Rs.1,00,000/- to Rs.1,14,000/- per hectare determined by the reference court in LAR No. 5 of 1998 is inadequate ?

e] In First Appeal No. 1089 of 2009 relating to Deoghar lands, do the claimants establish that the appeal is not maintainable, since, according to them, MKVDC is not the acquiring body in respect of the acquisitions in question ?

f] In First Appeal No. 1089 of 2009 relating to Deoghar lands, does the MKVDC establish that the reference applications made by the claimants were barred by limitation prescribed in clause (b) of provision to section 18(2) of the said Act ?

g] In First Appeal No. 1089 of 2009 relating to Deoghar lands, does the MKVDC establish that the rate of Rs.2,25,000/-

per hectare determined by the reference court in LAR No. 276 of 1997 is excessive ?

**EVIDENCE ON RECORD.**

27] The lead matter before the reference court in respect of Dabkeghar lands was LAR No. 70 of 1997 . Broadly, following was the evidence in the said matter:

- i] Deposition of Dhondiba Paogi (claimant). This witness has produced on record certified copies of 8 sale deeds (Exhibits - 12 to 19); and
- ii] Deposition of Arun V. Kamble, SLAO.

28] The lead matter before the reference court in respect of Salav lands was LAR No. 5 of 1998. Broadly, following was the evidence in the said matter:

- i] Deposition of Parbati Salelkar (claimant). This witness mainly relied upon reference court award in LAR No. 70 of 1997 relating to Dabkeghar lands and the sale deeds referred to therein;
- ii] Deposition of Dilip Gavade, SLAO; and
- iii] Deposition of Gautam Nana Londhe, Sub-Divisional Engineer, MKVDC. This witness has produced on record some sale deeds in respect of lands at Ryari, Kari etc.

29] The lead matter before the reference court in respect of Deoghar lands was LAR No. 276 of 1997. Broadly, following was the evidence in the said matter:

- i] Deposition of Kisan P. Kank (claimant). This witness mainly relied upon reference court award in LAR No. 70 of 1997 relating to Dabkeghar lands and the sale deeds referred to therein;
- ii] Deposition of Balasaheb Jedhe, vendor in sale deed dated 3 March 1989 (Exhibit-15);
- iii] Deposition of Nathu Sitaram Jedhe, vendor in sale deed dated 26 September 1991 (Exhibit-16);
- iv] Deposition of Laxman Parvatrao Kudale, vendee in sale deed dated 13 July 1993 (Exhibit-13);
- v] Deposition of Ananda Sakharam Yadav, attesting witness to sale deed dated 5 October 1989 (Exhibit-14);
- vi] Deposition of Kailas Baban Lirabare, vendor in sale deed dated 6 September 1990 (Exhibit-19);
- vii] Deposition of Raosaheb B. Bagav, vendor in sale deeds dated 17 July 1989 (Exhibit-17) and 19 May 1990 (Exhibit-18);
- viii] Deposition of Sindhu C. Supekar, vendee in sale deed dated 23 October 1992 (Exhibit-12);
- ix] Deposition of Arun Kamble, SLAO;
- x] Deposition of Gautam Londhe, Sub-Divisional Engineer, MKVDC. This witness has produced on record some sale deeds in respect of lands at Ryari, Kari etc.; and
- xi] Deposition of Subhash N. Gavhane, photographer, deposed on behalf of the MKVDC.

30] Insofar as Dabkeghar lands are concerned, the claimant Dhondiba Paogi , aged 50 years, has deposed that his lands bearing

Gat No. 75/14 admeasuring 0.37 R and Gat No.75/26 admeasuring 0.15 R came to be acquired for the NDIP. He has deposed that the acquired land was Jirayat land which he was cultivating since the age of 18 years. He has deposed that he has improved the land by erecting *tals* and *bandhs*. He has deposed that there is heavy rainfall in the area for four months (rainy season). He has deposed that they used to cultivate crops like *sawa*, *wari*, *nachani*, *paddy* and even grass for milch animals. He has deposed that they would cultivate rice in one or two gunthas. In order to retain water, *bandhs* were erected. He has deposed that as per need, the landlords in the area sell 1 or 2 gunthas of land. The village Nangaon is at distance of 2 Kms. from Dabkeghar and towards the north eastern corner of Dabkeghar. The village Nirgudghar is adjacent to village Dabkeghar from the northern side. The quality of lands in Dabkeghar and the villages of Nirgudghar, Kari and Nangaon is the same. Dhondiba Paogi has thereafter tendered in evidence certified copies of 8 sale deeds which came to be marked as Exhibit-12 to 19. He has deposed as regards the lands which form the subject matter of such sale deeds. He has stated that he knows the vendors and vendees. He has deposed that the lands which form the subject matter of such sale deeds are similar in quality to the acquired lands in Dabkeghar. He has stated that the lands in Nirgudghar, which are the subject matter of the sale instances are at a distance of 1 ½ km from the acquired lands. He has stated that if he was in need, he would have sold 1 or 2 gunthas of land. He has claimed compensation at the rate of Rs.3,00,000/- per hectare.

31] In his cross-examination, Dhondiba Paogi has stated that the population of Dabkeghar was 650 to 700. He has stated that his two sons were educated up to VIIth standard at Dabkeghar, but had to take further education at Bhor, which is at a distance of about 20 Kms., since, there was no education facility beyond VIIth standard at Dabkeghar. He has admitted that there is no Government Hospital or Bazar at Dabkeghar. He has admitted that there was no transportation facility for village Dabkeghar. He has stated that the distance between Dabkeghar and Salav is 1 Km. He has admitted that the villages of Nangaon, Kari and Nirgudghar are not submerged under the dam water, since, they are beyond the dam. He has stated that he has no records of laying of *bandhs* and *tals*, since, the same were erected by his own efforts. He has stated that he does not have any documentary evidence as regards his income from rice or grass. He has denied that the lands at Dabkeghar were of inferior quality and therefore, there were no sale instances in the village. He has stated that he is unable to say what crops were cultivated in the lands which form the subject matter of the certified sale deeds produced by him. He has denied the suggestion that the distance between Dabkeghar and Nirgudghar or Nangaon is 5 to 7 Kms. He has denied the suggestion that his claim at the rate of Rs.3,00,000/- or even Rs. 1,50,000/- per hectare is incorrect.

32] In respect of Salav lands, Parvati K. Salelkar came to be examined in LAR No. 5 of 1998. She has *inter alia* relied upon the award in LAR No. 70 of 1997. She has stated that the quality of lands at Dabkeghar and Salav is the same. In her cross-examination, She has admitted that there was no industrial estate, Government

Hospital, transportation facility available at Salav. She has stated that the boundaries of village Salav are as under, to the east of village Salav, there is village Kari, to the west there is village Dabkeghar, to the north there is village Nangaon and Nirgudghar. She has stated that she is unable to say anything about the southern boundary of village Salav. She has stated that there is river between Bhor Mahad road and Salav. She has denied that the acquired lands in Salav are in hilly area and are that of inferior quality. She has stated that there are two mountains between the village Salav and Kari and there is no direct road from village Kari to Salav. She has stated that that the quality of lands in the villages of Nangaon, Kari, Aпти, and Nirgudghar are similar to the lands at Salav. She has stated that she has presently made a claim for Rs.3,00,000/- per hectare.

33] In LAR No. 276 of 1997 relating to Deoghar lands, the claimant Kisan Pandu Kank examined himself. He stated that the acquired land was Jirayat (varkas) land, which was developed by him by levelling and use of fertilizers. He used to cultivate crops like Nachani, Sava, Wari etc. . There was plentiful rainfall and the land was superior quality. Grass was grown on some portion to provide for milch cattle. There is a common boundary between Nirgudghar and Deoghar. The village Nangaon is at a distance of ½ km. to the east. He has claimed that the rate of Rs.3,00,000/- per hectare represents the market price. In his cross-examination, he has stated that he has studied up to IVth standard. He has stated that he withdrew compensation awarded by SLAO under protest. He cannot say on which date section 12 notice was served. Deoghar is at a

distance of 15 km. from Bhor. Population of Deoghar is 285. There was weekly bazaar. Main bazaar place is Bhor. The Mahad-Pandharpur Road is at a distance of ½ km. There was no industrial zone to the west of Bhor. It is true that he had received two notices prior to notice under section 12(2) from the Kotwal. He has not seen the award declared by the SLAO and the contents of such award were never explained to him. At present he has claimed the rate of Rs.2,50,000/- per hectare. He is going to examine persons from Nangaon, Nirgudghar and Kari for determination of market rate. He has denied that the acquired land pot-kharaba. He has admitted that main wall of Neera Deoghar Dam was to the east of village Deoghar. Towards the east of the dam are villages of Nirgudghar, Aпти and Nangaon. Towards the south is the River Neera. Beyond which are the villages Dabkeghar, Salav, Ryari. He admitted that there is a small bridge on the river near village Nirgudghar, which proceeds to village Salav, Ryari and Dabkeghar. He has stated that one road proceeds from village Ambeghar to the villages Nangaon, Aпти and Nirgudghar. Another road goes from Deoghar to Kari. The village salav is to the east of village Dabkeghar. Towards south of these villages is the village Ryari, which is by the side of Ryareshwar mountain. Village Kari is towards the east of village Ryari. In between two villages there is another hill/mountain. He has admitted that Deoghar village is on mountain side. He has denied the suggestion put on behalf of MKVDC that the Mahad-Pandharpur Road is at a distance of 2 kms away from Deoghar. He has admitted that there are villages such as Mhasar Khurd and Mhasar Budruk to the north of village Deoghar. But he stated that these villages are situated on the hill top. Instead, the village Nirgudghar is adjacent to

village Deoghar. He has denied the suggestion that the village situated on the top of the hill and the lands are situated on the ground level. He has denied the suggestion that the sale instances relied upon by him were in respect of plots for construction of houses or that they relate to small plots or that they relate to lands which came within irrigation zone of Neera Deoghar Dam. He has denied the suggestion that only grass was grown in the acquired lands or that there was no rainfall in the village Deoghar. This witness has also relied upon the reference court award in LAR No. 70 of 1997 relating to Dabkeghar lands and the sale deeds referred to therein.

34] In the award dated 24 August 2004 in LAR No. 70 of 1997 relating to Dabkeghar lands, the reference court has referred to eight sale instances from the villages Nangaon, Kari and Nirgudghar. Certified copies of the sale deeds were duly produced on record in the references. In award dated 29 January 2005 in LAR No. 5 of 1998, relating to Salav lands, the reference court has referred to the award dated 24 August 2004 in LAR No. 70 of 1997. However, the reference court, has excluded from consideration the sale instances from Nirgudghar and Nangaon, but taken into consideration the sale instances from Kari. The details of the 8 sale instances referred to by the reference court are set out in the following chart for the sake of convenience :

Sr. No.	Exhibit	Village	Survey No.	Area Sold in Ha	Consideration (in Rs.)	Date of Registration	Rate per hectare (in Rs.)	Escalated rate per hectare as on 6.5.93
1	12	Nangaon	254	0.050	17,000	23-10-92	3,40,000	3,61,873

2	13	Nangaon	1160	0.028	8,000	13-7-93	2,85,714	2,79,334
3	14	Nangaon	1079	0.020	5,000	5-10-89	2,50,000	3,57,500
4	15	Kari	1620	0.240	24,000	3-3-89	1,00,000	1,50,100
5	16	Kari	211	0.020	2,200	26-9-91	1,10,000	1,30,166
6	17	Nirgudghar	20	0.01	1,500	17-7-89	1,50,000	2,18,450
7	18	Nirgudghar	20	0.01	3,000	19-5-90	3,00,000	4,06,700
8	19	Nirgudghar	232	0.149	19,000	6-9-90	1,27,517	1,68,323

35] In the references relating to Dabkeghar lands and Salav lands, the vendors, vendees or attesting witnesses to the aforesaid sale instances were not examined. However, vendors or vendees or attesting witnesses were examined in relation to the very same sale instances in the references relating to Deoghar lands. The learned counsel for the parties have accordingly relied upon such evidence in support of their respective contentions.

36] Except in one case (Exhibit-13), the rest of sale instances are pre-section 4 Notification, which in case of Deoghar, was declared on 6 May 1993. The sale instance at Exhibit-13 is dated 13 July 1993. The reference court has taken escalation at 12% per annum and this particular rate of escalation has not been challenged in these appeals by any parties. Such rate of escalation, in any case, is borne out from other material on record.

37] The first sale instance (Exhibit-12) is the registered sale deed dated 23 October 1992. This relates to the land ad-measuring 0.050

Ha, bearing Survey No. 254, Nangaon. The escalated rate reflected as on date of section 4 Notification comes to Rs.3,61,873/- per hectare. The vendee Sindhu Supekar has been examined. She has deposed that the sale land was Jirayat land and in season, she used to cultivate paddy therein. She has stated that the sale land is at a distance of about 2 kms from Deoghar village and the quality of land at Deoghar and Nangaon is similar. According to me, the rate reflected in this sale instance is so high only because the sale plot was bounded to the east by the State Highway. Therefore, this sale instance ought to have been excluded from consideration.

38] The second sale instance (Exhibit-13) is the registered sale deed dated 13 July 1993. This relates to the land ad-measuring 0.028 Ha, bearing Survey No. 1160, Nangaon. The escalated rate reflected as on date of section 4 Notification comes to Rs.2,79,334/- per hectare. Although, this is a post notification sale instance, there is absolutely no challenge to its genuineness. In *Chimanlal Hargovinddas Vs. Special Land Acquisition Officer, Poona and anr. (1988) 3 SCC 751*, it is held that even post notification instances can be taken into account if they are very proximate; genuine and the acquisition itself has not motivated the purchaser to pay a higher price on account of resultant improvement in the development prospects. All these three factors satisfied in case of the sale instance at Exhibit-13. The vendee, Laxman Parvatrao Kudale has been examined. He has stated that the distance between the villages of Nangaon and Deoghar is 1.5 kms.. In his cross-examination, he has stated that the village Nangaon is at a distance of about 4 furlongs from the Mahad-Bhor Road. He has stated that

the Neera Deoghar Dam is to the west of village Nangaon. He has stated that the villages Aпти and Nirgudghar are between the villages Nangaon and Deoghar. He has stated that Aпти and Nirgudghar may be at a distance of  $\frac{1}{2}$  km from Nangaon. Deoghar may be at a distance of  $\frac{1}{2}$  km from Nirgudghar. All these villages are to the east of the dam. He has denied that the lands purchased by him falls in command area Neera Deoghar Dam. He has denied the suggestion that the lands at Nangaon and Kari are superior to the lands at Deoghar. He has denied that the lands purchased by him are adjacent to his ancestral lands. He has denied that there is dissimilarity between the acquired lands at Deoghar and the sale land. He has denied the suggestion that there was any rumor about the dam and therefore, rise in market value of the lands which were to fall under the command area. This sale instance, can be regarded as a comparable instance. However, some deductions will be due on account of locational advantages and other factors.

39] The third sale instance (Exhibit-14) is the registered sale deed dated 5 October 1989. This relates to the land ad-measuring 0.020 Ha, bearing Survey No. 1079, Nangaon. The escalated rate reflected as on date of section 4 Notification comes to Rs.3,57,500/- per hectare. The attesting witness Ananda Sakharam Yadav has deposed that the sale plot was purchased by the vendee Dhondiba Jagtap to construct his house. According to me, this is possibly why the sale price reflected is so high. This sale instance will therefore, have to be excluded from consideration.

40] The fourth sale instance (Exhibit-15) is the registered sale deed dated 3 March 1989. This relates to the land ad-measuring 0.0240 Ha, bearing Survey No. 1620, Kari. The escalated rate reflected as on date of section 4 Notification comes to Rs.1,50,100/- per hectare. The vendor Balasaheb Aabasaheb Jedhe has been examined. He has stated that the distance between Deoghar and Kari is about 1.5 kms..

41] The fifth sale instance (Exhibit-16) is the registered sale deed dated 26 September 1991. This relates to the land ad-measuring 0.020 Ha, bearing Survey No. 211 at Kari. The escalated rate reflected as on date of section 4 Notification comes to Rs.1,30,166/- per hectare. The vendor Nathu Sitarakm Jedhe has been examined in the reference relating to Deoghar lands. He has deposed that it was Jirayat land. He has deposed that village Deoghar is at a distance of 2 kms from Kari.

42] There is, in fact, ample material on record to suggest that the lands at Kari are not comparable to the acquired lands at Dabkeghar, Salav and in any case, Deoghar. The statements of above two witnesses that the distance between Deoghar and Kari is 1.5 to 2 Kms., is totally incorrect. There is ample evidence on record which suggest that the distance between Deoghar and Kari is more than 15 kms. This is evident from the maps produced on record by MKVDC. This is also evident from the deposition of Gautam Londhe, Sub-Divisional Engineer, MKVDC that the distance between Deoghar and Kari is 18 kms. The distance between Salav and Kari itself is 6 to 8 kms. The two villages are separated by two mountains and there is

no direct road linking the two. The terrain at Kari is also not comparable to the terrain in Dabkeghar Salav and Deoghar. Kari is in the hilly region and at a substantial distance away from Neera River. The sale instances from Kari, therefore, cannot be regarded as comparable instances.

43] The sixth sale instance (Exhibit-17) is the registered sale deed dated 17 July 1989. This relates to the land ad-measuring 0.01 Ha, bearing Survey No. 20, Nirgudghar. The escalated rate reflected as on date of section 4 Notification comes to Rs.2,18,450/- per hectare. The vendor Raosaheb Bhau Bagav has been examined. He has deposed not only to the sale instance dated 17 July 1989, but also the seventh sale instance, which is sale deed dated 19 May 1990, in which too, he is the vendor. He has deposed that the lands sold by these sale deeds were grass lands. He has deposed that the villages Nirgudghar and Deoghar share a common boundary and the quality of lands in the two villages is similar. In his cross-examination, he has deposed to the location of the Neera Deoghar dam in juxtaposition to the villages of Nirgudghar, Nangaon, Aпти and Kari. He has deposed to purchases of properties made by him in the year 1988. He has admitted that Survey (Gat) No.20 is adjacent to Mahad-Pandharpur Road. He has stated that from time to time, he has made sales of one or two gunthas of land. He has referred to other sales in the area. He has deposed that there is heavy rain in the area of Nirgudghar, Nangaon, Ryari. He has denied the suggestion that there was increase in prices on account of proposed acquisition. He has denied the suggestion that the sale deeds executed by him were illegal and executed in order to benefit the

persons whose lands were to be acquired, since, such persons were acquainted to him. This sale instance can be held as a comparable instance. However, some deductions will be necessary before this instance is used to determine the rates at Dabkeghar and Salav.

44] The seventh sale instance (Exhibit-18) is the registered sale deed dated 19 May 1990. This relates to the land ad-measuring 0.01 Ha, bearing Survey No. 20, Nirgudghar. The escalated rate reflected as on date of section 4 Notification comes to Rs.4,06,700/- per hectare. The vendor Raosaheb Bhau Bagav has been examined. The reason why there is sudden spurt in the rate reflected in this sale instance is not discernible from the evidence on record. On 17 July 1989, i.e., hardly a year earlier, this very vendor, had sold land admeasuring 0.01 Ha (Exhibit-17), at almost half the rate. It is possible that this land abuts or in any case, was much closure to the State Highway, as compared to the land in Exhibit-17. In such circumstances, I do not regard it as safe to rely upon this sale instance, though the sale land is otherwise comparable to the acquired lands at Deoghar.

45] The eighth sale instance (Exhibit-19) is the registered sale deed dated 6 September 1990. This relates to the land ad-measuring 0.0149 Ha, bearing Survey No. 232, Nirgudghar. The escalated rate reflected as on date of section 4 Notification comes to Rs.1,68,323/- per hectare. The vendor Kailas Baban Lirabare has been examined. He has deposed that the lands are Jirayat; the villages Nirgudghar and Deoghar share a common boundary; there are no industries towards the west of Bhor; that half of the village of Deoghar has

submerged under the dam waters; that the lands in Nangaon, Aпти and Nirgudghar have not submerged under the dam water. He has denied the suggestion that the Neera River, throughout the year, had sufficient water. He says that he does not know the precise distance between Nirgudghar and Kari, but he states that the two villages are separated by mountain and it takes about ½ hour to reach from Kari to Deoghar. He has stated that he alienated his lands on account of necessity for himself and his family. He has denied that the vendees land was adjacent to the sale land and therefore, the vendees paid higher value than prevailing market value.

46] In LAR No. 70 of 1997 relating to Dabkeghar lands, on behalf of the State Government, Arun Kamble, SLAO came to be examined. He has stated that in determining the rate of compensation he has considered the sale instances from villages, Aпти, Kari and Nangaon. He has stated that the distance between the villages Dabkeghar and Nangaon is 2 to 3 Kms., and the distance between Dabkeghar and Kari is 4 to 5 Kms. He has stated that the lands at Dabkeghar are inferior in quality as compared to lands at Nangaon and Kari. He has stated that the lands of Dabkeghar village are in hilly area. In his cross-examination, he has admitted that for 7 to 8 years prior to the date of the award, sale transactions at Dabkeghar were banned, since, the Dabkeghar lands were to be submerged under NDIP waters. He has stated that it is for this reason, he could not get any sale instances from Dabkeghar and has collected sale instances from adjoining villages. He has admitted that for purposes of valuation, three factors, i.e., distance, time and quality of land are to be taken into consideration. However, he has denied that the sale instances of

the villages Nangaon, Kari and Apti were comparable with Dabkeghar lands because they were satisfying these conditions. He has admitted that he has not read the sale deeds which were relied by him as comparable instances. He has admitted that he did not make enquiry with anybody about the sale deed. He has stated that he adopted the sale statistics method and ready reckoner for purpose of valuation, but not the income capitalization method (ICM).

47] In LAR No. 5 of 1998, relating to Salav lands, on behalf of the State Government, Dilip Gavade, SLAO came to be examined. He has stated that he estimated the market rate by applying three methods, i.e., sale statistic methods, income capitalization method, Ready Reckoner method. The highest rate determined by use of three methods, i.e., sale statistics method, was however, accepted as a market rate. He states that he considered the sale instances from villages Apti, Kari and Nangaon after collecting the details from the Talathis of the concerned villages. In his cross-examination, he stated that he holds degree of M.Sc. (Agriculture) but has no degree in valuation of lands field. He stated that he has not visited the villages Apti, Kari and Nangaon, but whilst going to the village Salav, he has seen the lands from those villages. He admitted that he has not personally seen the lands which form the subject matter of the sale instances taken into consideration by him to determine the market rates. He states that he has taken into consideration the sale instances from villages Nangaon, Apti and Kari because "*they were inferior in quality like the lands acquired*". He has admitted that "*the lands at villages Apti, Nandgoan and Kari are near about the same quality as the lands in village Salav*". He has admitted that

*“Dabkeghar village is adjacent to village Salav. The quality of lands at village Dabkeghar and Salav are near about the same”*. He stated that the sale instances in the award made by him for Salav lands are the sale instances used to determine rates in respect of acquired lands in other villages for the purpose of NDIP. He has admitted that all the acquired lands were either Jirayat lands or Paddy lands, i.e., cultivable lands. He has admitted that some of the lands at Salav were adjacent to River Neera.

48] In LAR No. 5 of 1998 relating to Salav lands, Gautam Nana Londhe, Sub-Divisional Engineer, MKVDC came to be examined. He has admitted that there are two mountains in between the villages Salav and Kari and there is no road from village Kari to go to village Salav. He stated that the lands in village Kari are not comparable to the lands in village Salav. He has also admitted that the village Nirgudghar is at a distance of 1.5 km from Salav, village Aпти is at a distance of 3.5 km from Salav and Nangaon is at a distance of 6 km from Salav and Kari is at a distance of 6 to 8 km from Salav. He stated that the geographical nature of village Nirgudghar is totally different from village Salav and so also, the quality of lands in the two villages. He stated that prior to NDIP, village Hirdoshi was the market place for people from villages, Salav, Dabkeghar, Dhanwali, Kankawali, Mhasur-Khurd, Mhasur-Budruk etc.. However, after village Hirdoshi was submerged in the waters of NDIP, people purchased lands in village Nirgudghar which is situated on Mahad-Pandharpur highway. Therefore, village Nirgudghar cannot be compared with village Salav. He stated that the award in LAR No. 70 of 1997 relating to Dabkeghar lands cannot be relied upon since

MKVDC was not a party to the same. He relied upon certified copies of 11 sale instances. Out of these, only 2 are from Ryari, 2 from Nivangan and the rest are from Kari (4 sale instances) and Nangaon (4 sale instances). He stated that the lands in Nivangan and Ryari are similar in nature and quality to the acquired lands at Salav.

49] In his cross-examination, Nana Gautam Londhe has admitted that he has neither a degree of M.Sc. (Agriculture) nor is he a Geologist or Horticulturist. He has admitted that he was not the Land Acquisition Officer and he had no role to play at the stage of passing of the award. He has admitted that he has not visited the village of Salav at the time when the awards were made by the SLAO. He has stated that the award in LAR No.70 of 1997 is wrong and in any case, the same cannot be relied upon to determine compensation in respect of Salav or Dabkeghar lands. He has admitted that Salav lands were not in hilly areas. He has admitted that there was a road for going to village Nirgudghar from village Salav via the bridge. He has stated that the old Mahad-Pandharpur Road adjacent to the acquired villages is submerged in the dam waters. He has stated that the village Nivangaon is at a distance of 7-8 kms. from Salav. After he was confronted with a map (Exhibit-35) produced by him, he admitted that the distance between Nivangaon and Salav is 17 Kms. He has however, clarified that this is the position after the construction of the dam and earlier, the distance was only 7-8 kms. He has admitted that he has not verified the contents of sale deed dated 28 February 1994, in respect of lands at Ryari. He has stated that he does not know whether this is a sale transaction or mortgage. He has admitted that he has not verified

whether all sale transactions are executed amongst the relatives. He has admitted that the sale instance dated 27 May 1993 from Nangaon indicates the rate of Rs.2,00,000/- per hectare. He has stated that the villages Nangaon, Kari, Apti and Nirgudghar are not in the benefited zone of the dam. He has admitted that Neera Deoghar Dam is an earthen dam and the earth required for such dam was taken from village Salav and other villages. He stated that he cannot say whether lands having 1 and ½ meter depth are considered fertile and productive. He has denied that the SLAO has awarded meagre compensation and that the market value claimed by the claimants is correct one.

50] Gautam Nana Londhe has also deposed in LAR No. 276 of 1997 relating to Deoghar lands. In his evidence, he stated that the sale instances relied upon by the claimants are not comparable sale instances. He stated that he has, along with the photographer Gavhane, taken photographs of the lands which forms the subject matter of the sale instances. In some of the lands, houses have been constructed. Some of the lands abut the Mahad-Pandharpur Highway. He stated that village Kari is at a distance of almost 18 Kms from Deoghar. The sale instance from Kari is also in respect of land used for construction purposes. He has referred to the award in case of Salav lands to submit that the rate determined by the reference court in respect of Salav lands is Rs.1,00,000/- to Rs.1,14,000/-. He stated that Deoghar village is on the mountain top and therefore, as compared to village Salav, has hardly any amenities. He has stated that even the award in respect of Salav lands has been challenged by the MKVDC. He has produced on

record maps prepared by revenue authorities to indicate the location of the various villages like Dabkeghar, Salav, Deoghar , Nirgudghar, Nangaon, Aпти, Kari, Ryari, Nivangan etc.

51] Londhe, in his cross-examination, has admitted that he was posted as a Sub-Divisional Engineer with the MKVDC, since 15 July 2003. He states that he had inspected the lands which have since submerged in the dam waters in the year 2004 and 2005. He admits that he has not read completely the awards made by the SLAO. He states that the SLAO should not have relied upon sale instances from Nangaon, Aпти and Kari. He admits that the photographs of the lands which form the subject matter of sale instances were taken by him in the year 2006-2007, which is, for the first time he has inspected the lands. He further admits that there is nothing to prove that the photographs taken by him relate to the lands which form the subject matter of the sale instances. He says that he has no evidence regards the year in which the houses may have been constructed in the lands which form the subject matter of the sale instances. He states that he has not read anywhere that sale instance in respect of cremation ground or lands adjacent to cremation ground cannot be taken as comparable instances. He admits that he has no qualification or degree in matters of valuation of lands. He has stated that the old Mahad-Pandharpur Road stands submerged under dam waters.

52] In LAR No.276 of 1997 relating to Deoghar lands, Subhash Gavahane, the photographer, who has deposed on behalf of the MKVDC, has stated that he has taken certain photographs of the sites

indicated to him by Gautam Londhe. Such photographs were taken on 12 September 2007. He has stated that the photographs relate to sites in the villages Kari, Nirgudghar, and Nangaon. In his cross-examination, he has stated that he has no personal knowledge about the villages in Bhor Taluka. He has admitted that on the date when he took the photographs, Londhe and two Junior Engineers were present. However, Talathi was not present. He has stated that the photographs were taken in the year 2007 and he has no personal knowledge about the sites.

**CONSIDERATION OF SUBMISSIONS, PRINCIPLES FOR DETERMINATION OF COMPENSATION & APPRECIATION OF EVIDENCE:**

**General principles for determination of compensation.**

53] In a reference under section 18 of the said Act , the reference court does not sit in appeal over the award made by the SLAO. The reference court cannot take into account the material relied upon by the SLAO in his award, unless, such material is produced and proved before the court. The award is merely an offer made by the SLAO on behalf of the State Government. It is not the function of the reference court to sit in appeal against such award or to approve or disapprove its reasoning or to correct its error or affirm, modify, or reverse the conclusion reached by the SLAO , as if it were an appellate court. The reference court has to treat the reference as an original proceeding before it and to determine the market value

afresh on the basis of material produced before it. [See *Chimanlal Hargovinddas (supra)* ]

54] Section 23 of the said Act *inter alia* provides that in determining the amount of compensation to be awarded for the land acquired under the said Act, the Court shall take into consideration the market value of the land at the date of publication of section 4 Notification, the circumstance that the person interested is compelled to change his residence or place of business in consequence of acquisition (reasonable expenses incidental to such change), amongst other matters. Section 24 of the said Act, however, provides that the court, in determining the amount of compensation should however, not take into consideration aspects like disinclination of the person interested to part with the land acquired, any increase in the value of the land accrued likely to accrue from the use to which it will be put when acquired, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired, will be put, amongst other matters.

55] In such matters, there is a duty upon the State or the acquiring body to pay compensation at the market rate in respect of the acquired land. The award made by the SLAO, is in the nature of an offer. If a party is dissatisfied with such offer, it can apply for reference to the court, which will then determine the market rate in respect of the acquired land. The onus is upon such party to show that the rate offered in the award is inadequate on the basis of materials produced before the reference court. Of course, the

materials placed and proved by other parties can also be taken into account for this purpose. Once the party produces sufficient material to establish that the rate offered in the award of the SLAO is inadequate, the onus, to a certain extent, shifts upon the State and the acquiring body. The determination of the rate has to be made with reference to the date of section 4 Notification as if the valuer is a hypothetical purchaser willing to purchase the land from open market and he is prepared to pay a reasonable price as on the said date. It has also to be assumed that the vendor is willing to sell the land at a reasonable price. [See *Chimanlal Hargovinddas (supra)*].

56] In these cases, the SLAOs as well as the reference courts have mainly applied the comparative sales method for determining the market rate of the acquired lands. This is one of the well accepted methods for determination of the market rate of the acquired lands. In this method, however, only genuine sale instances have to be taken into account. Further, the court has to co-relate market value reflected in the most comparable instance, which then provides the index of market value. In some cases, even post notification instances can be taken into account, provided that they are very proximate, genuine and the acquisition itself has not triggered any escalation in the sale price. The most important comparable instances, from out of the genuine instances have to be identified on considerations of proximity of time angle and the situation angle. After such identification, the prices reflected therein may be taken as the norm and the market value of the acquired land may be deduced by making suitable adjustments for the plus and minus factors *vis-a-vis* the acquired lands by placing the two in juxtaposition. A balance-

sheet of plus and minus factor is required to be drawn for this purpose and the relevant factors are required to be evaluated in terms of price variation as a prudent purchaser might be guided to do. The market value of the acquired land is then required to be determined by loading the price reflected in the exemplars as norm for plus factors and unloading it for minus factors. This entire exercise has to be undertaken in a common sense manner as a prudent man of the world of business would do. [See *Chimanlal Hargovinddas (supra)*].

57] The factors like smallness of size of the plot, proximity to road, road frontage, nearness to developed area, regular shape, levelled land, quality of land, nature of crops cultivated in the land, water supply are some of the plus factors in such matters. Conversely, largeness of area, situation in the interior at a distance from the road, narrow strip with hardly any road frontage, hilly terrain, remoteness from developed locality, lack of access etc. are some of minus factors in such matters. The evaluation of these factors depends upon the fact situation in each case. There cannot be any straitjacket formula in this regard and common sense is the best and the most reliable guide. Some element of guess work is inevitable.

**Guesstimate:**

58] In *Trishala Jain Vs. State of Uttaranchal – 2011 (6) SCC 47*, the Hon'ble Supreme Court has accepted that recourse to some guess work while determining the fair market value of the land and

consequential amount of compensation that is required to be paid to the persons interested in the acquired land, is inevitable. In paragraphs 27 and 28, the Hon'ble Supreme Court, after adverting to its earlier decision in Charandas vs. Himachal Pradesh Housing and Urban Development Authority – (2010) 13 SCC 398, has made the following relevant observations in the context of 'Guesstimates' in such matters:

*“57. “Guess” as understood in its common parlance is an estimate without any specific information while “calculations” are always made with reference to specific data. “Guesstimate” is an estimate based on a mixture of guesswork and calculations and it is a process in itself. At the same time “guess” cannot be treated synonymous to “conjecture”. “Guess” by itself may be a statement or result based on unknown factors while “conjecture” is made with a very slight amount of knowledge, which is just sufficient to incline the scale of probability. “Guesstimate” is with higher certainty than mere “guess” or a “conjecture” per se.*

*58. The concept of “guesswork” is not unknown to various fields of law. It has been applied in cases relating to insurance, taxation, compensation under the Motor Vehicles Act as well as under the Labour Laws. All that is required from a court is that such guesswork has to be used with greater element of caution and within the determinants of law declared by the legislature or by the Courts from time to time.*

*59. In Charan Dass (supra), this Court on the use of guesswork for determining compensation, has held as under: (SCC pp. 404-05, paras 19-22)*

*“19. Section 15 of the Act mandates that in determining the amount of compensation, the Collector shall be guided by the provisions contained in Sections 23 and 24 of the Act. Section 23 provides that in determining the amount of compensation to be awarded for the land acquired under the Act, the Court shall, inter alia, take into consideration the market value of the land at the date of the publication of the notification under Section 4 of the Act. The section contains a list of positive factors and Section 24 has a list of negatives vis-à-vis the land under*

acquisition to be taken into consideration while determining the amount of compensation.

20. As already noted, the first step being the determination of the market value of the land on the date of publication of notification under sub-section (1) of Section 4 of the Act, one of the principles for determination of the market value of the acquired land would be the price that a willing purchaser would be willing to pay if it is sold in the open market at the time of issue of notification under Section 4 of the Act. But finding direct evidence in this behalf is not an easy task and, therefore, the Court has to take recourse to other known methods for arriving at the market value of the land acquired.

21. One of the preferred and well-accepted methods adopted for ascertaining the market value of the land in acquisition cases is the sale transactions on or about the date of issue of notification under Section 4 of the Act. But here again finding a transaction of sale on or a few days before the said notification is not an easy exercise. In the absence of such evidence contemporaneous transactions in respect of the lands which have similar advantages and disadvantages are considered as a good piece of evidence for determining the market value of the acquired land.

22. It needs little emphasis that the contemporaneous transactions or the comparable sales have to be in respect of lands which are contiguous to the acquired land and are similar in nature and potentiality. Again, in the absence of sale deeds, the judgments and awards passed in respect of acquisition of lands, made in the same village and/or neighbouring villages can be accepted as valid piece of evidence and provide a sound basis to work out the market value of the land after suitable adjustments with regard to positive and negative factors enumerated in Sections 23 and 24 of the Act. Undoubtedly, an element of some guesswork is involved in the entire exercise, yet the authority charged with the duty to award compensation is bound to make an estimate judged by an objective standard.”

**Certified copies of sale deeds – Admissibility ?**

59] In the appeals relating to Dabkeghar and Salav lands, learned AGPs, relying upon the decision in *Kummari Veeraiah (supra)*, have objected to the consideration of certified copies of the sale deeds on the ground that vendors, vendees or attesting witnesses were not examined before the reference courts. This is rather technical objection on the part of the State Government. In any case, the objection lacks merit.

60] Although, in *Kummari Veeraiah (supra)*, the Division Bench of the Hon'ble Supreme Court had taken the view that unless the vendor or the vendee of the sale deeds were examined to testify not only the consideration paid but also the specific knowledge and circumstances in which the sale deeds came to be executed, the sale deeds cannot be relied upon to determine the market value of the acquired lands, this view was overruled in *Cement Corporation of India Ltd. Vs. Purya and ors. - (2004) 8 SCC 270* by reference to the provisions contained in section 51-A of the said Act. The Bench, comprising of Five Judges was specially constituted to consider the conflicting views in *Land Acquisition Officer & Mandal Revenue Officer v. V. Narasaiah - (2001) 3 SCC 530-*, on one hand and certain other decisions, including in particular, the decision in *Kummari Veeraiah (supra)* on the other. The Larger Bench, specifically approved the view in *Narasaiah (supra)*, and overruled the view taken in *Kummari Veeraiah (supra)*.

61] In terms of section 51-A of the said Act as interpreted in *Purya (supra)* certified copies of sale deeds can be admitted in evidence for the purposes of determination of market value in land acquisition references even without examination of either vendor or vendee. This, however, would not mean that the contents of the transaction as evidenced by the registered sale deeds would automatically be accepted. The legislature has advisedly used the expression “*may*” in section 51-A of the said Act. A discretion has been conferred upon the court in this regard, which is to be exercised judicially, that is upon taking into consideration all relevant facts. The provisions of section 51-A of the said Act are *enabling* in nature. The certified copies of sale deeds, which may be admitted in evidence in terms of section 51-A of the said Act, do not give rise to any mandatory or conclusive presumption. Only because a document is admissible in evidence, it would not mean that the contents thereof stand proved. When materials are brought on record by the parties to the lis, the court is entitled to appreciate the evidence brought on record for determining the issues raised before it and in the said process, may accept one piece of evidence and reject the other.

62] Further, as noted earlier, in case of references relating to Deoghar lands, the vendors or vendees in respect of these very sale instances have actually been examined. This is accordingly, an additional reason to reject the contentions of Mr. Dabke and Mr.Palkar, the AGPs in the context of admissibility of the certified copies of the registered sale deeds.

63] This means that there can be no objection *per se* to the admission of certified copies of sale deeds in evidence in terms of section 51 A of the said Act. The issue of appreciation of the evidentiary value of such sale deeds, is however, a different matter. That will depend upon several factors including genuineness of the transaction reflected in the deeds, proximity of the land from the situation angle or time angle, quality of lands in juxtaposition to the acquired land, special or distinguish features which warrant addition or deduction from the value norm and other factors.

**Principle of averages adopted by reference courts-Whether correct?**

64] Both, the AGPs for the State Government and Mr. Potnis for the claimants have objected to the principle of averages resorted to by the reference courts to determine rates of compensation. The AGPs contend that sale instances which reflected abnormally high rates, since they related to developed plots or plots abutting the State Highway have unduly hiked the rate upon adoption of principle of averages . On the other hand, Mr. Potnis contends that since this is a case of compulsory acquisition, the comparable sale instance which reflected the highest rate should have been taken into consideration, rather than adopt the principle of averages. There is merit in both the contentions.

65] The reference court, particularly, in its award in LAR No. 70 of 1997 (Dabkeghar lands) has listed the sale instances from villages like Nirgudghar, Nangaon, Apti and Kari and thereafter, determined

average rate. This is not proper. The reference court was required to apply its mind to the individual sale instances with a view to determine which of the exemplars are most relevant from the perspectives of distance, time and quality of land. Upon determination of the relevant sale instances, perhaps, some resort could be had to the principle of averages, if, the rates reflected in the relevant exemplars were more or less in the same or similar range, but not otherwise. Besides, this being a case of compulsory acquisition, as between comparable sale instances, normally, the highest exemplar, which is a *bonafide* transaction should be considered to determine the the rate of compensation.

66] In the aforesaid context, the Hon'ble Supreme Court in *State of Punjab v. Hans Raj – (1994) 5 SCC 734* , has made the following observations : (SCC p. 736, para 4)

*“Having given our anxious consideration to the respective contentions, we are of the considered view that the learned Single Judge of the High Court committed a grave error in working out average price paid under the sale transactions to determine the market value of the acquired land on that basis. As the method of averaging the prices fetched by sales of different lands of different kinds at different times, for fixing the market value of the acquired land, if followed, could bring about a figure of price which may not at all be regarded as the price to be fetched by sale of acquired land. One should not have, ordinarily recourse to such method. It is well settled that genuine and bona fide sale transactions in respect of the land under acquisition or in its absence the bona fide sale transactions proximate to the point of acquisition of the lands situated in the neighbourhood of the acquired lands possessing similar value or utility taken place between a willing vendee and the willing vendor which could be expected to reflect the true value, as agreed between reasonable prudent persons acting in the normal market*

**conditions are the real basis to determine the market value.”**

*(emphasis supplied)*

67] In *Sri Rani M. Vijayalakshmanna Rao Bahadur, Ranee of Vuyur v. The Collector of Madra – 1969 (1) MLJ 45*, the Hon'ble Supreme Court has observed that the proper method for evaluation of market value is by taking the highest of the exemplars and not by averaging of different types of sale transactions. The relevant observations read as follows :

*“It seems to us that there is substance in the first contention of Mr Ram Reddy. After all when the land is being compulsorily taken away from a person, he is entitled to say that he should be given the highest value which similar land in the locality is shown to have fetched in a bona fide transaction entered into between a willing purchaser and a willing seller near about the time of the acquisition. It is not disputed that the transaction represented by Ext. R-19 was a few months prior to the notification under Section 4 that it was a bona fide transaction and that it was entered into between a willing purchaser and a willing seller. The land comprised in the sale deed is 11 grounds and was sold at Rs. 1961 per ground. The land covered by Ext. R-27 was also sold before the notification but after the land comprised in Ext. R-19 was sold. It is true that this land was sold at Rs. 1096 per ground. This, however, is apparently because of two circumstances. One is that betterment levy at Rs. 500 per ground had to be paid by the vendee and the other that the land comprised in it is very much more extensive, that is about 93 grounds or so. Whatever that may be, it seems to us to be only fair that where sale deeds pertaining to different transactions are relied on behalf of the Government, that representing the highest value should be preferred to the rest unless there are strong circumstances justifying a different course. In any case we see no reason why an average of two sale deeds should have been taken in this case.”*

*(emphasis supplied)*

68] In *Anjani Desai (supra)*, the Hon'ble Supreme Court has explained the legal position in the following terms :

*“13. The legal position is that even where there are several exemplars with reference to similar lands, usually the highest of the exemplars, which is a bona fide transaction, will be considered. Where however there are several sales of similar lands whose prices range in a narrow bandwidth, the average thereof can be taken, as representing the market price. But where the values disclosed in respect of two sales are markedly different, it can only lead to an inference that they are with reference to dissimilar lands or that the lower value sale is on account of undervaluation or other price depressing reasons. Consequently, averaging cannot be resorted to. We may refer to two decisions of this Court in this behalf.”*

*(emphasis supplied)*

**Sale instances in respect of small plots – Whether admissible ?:**

69] Mr. Dabke, Mr. Palkar and Mr. Shinde contend that the sale instances taken into consideration by the reference courts were in respect of small plots and therefore, they could never have been taken as comparable instances. In any case, they submit that appropriate deductions towards development, provision of amenities etc. have not been made by the reference courts. They also point out that large tracts of land generally, have no ready purchasers as compared to small plots of land. Therefore, balance sheet of plus and minus factors was required to be undertaken by the reference courts before the sale instances could be relied upon or the rate determined on their basis.

70] The legal position in this regard is fairly well settled. If sale instances comparable to the area of the acquired lands are available, then obviously, the same will have to be regarded as the comparable instances or the exemplars. For this purpose, it will not be fair to consider the entire acquired land as some single unit. Rather, an assessment will have to be made of the individual land holdings being acquired. For example, as per the award of the SLAO dated 28 February 1996 in case of Dabkeghar lands the total area of the acquired lands is approximately 92 hectares. It will be well nigh impossible to have sale instances in respect of such a large area. However, the areas of the individual land holdings which have been acquired, only in very few cases exceed 1 (one) Ha. The area of most of the acquired individual land holdings varies between 0.01 Ha and 1 Ha. In fact from out of 306 persons, whose lands came to be acquired on account of submergence of Dabkeghar village, hardly 17 persons had held lands in excess of 1 hectare, which corresponds to less than even 5%. Similar position emerges from the awards of SLAO in respect of Salav or Deoghar lands are concerned. Therefore, if individual acquired holding are taken into consideration, then, the sale instances relied upon by the reference courts could certainly be regarded as comparable instances. Therefore, this is not a case where the comparable instances are in respect of small plots and the individual acquired holding are properties having large areas.

71] Secondly, this aspect of comparison to sale instances of small plots is mostly relevant when it comes to comparison between small developed plots and large tracts of undeveloped lands. In such a situation, considerable expenditure is required to be incurred for

purposes of development. Substantial areas have to be set aside towards open spaces, set backs, amenities etc.. This is particularly relevant when acquisition is for setting up residential, commercial or industrial projects. In the present case, admittedly, the acquisition was because the villages Dabkeghar, Salav and Deoghar were to be submerged in the NDIP dam waters. This is admittedly, not a case where the State Government or the MKVDC was required to expend any considerable amount for development of the acquired lands or for the purposes of setting up any residential or commercial projects upon the acquired lands. In this regard, it is pertinent to note that the deposition of Gautam Londhe, Sub-Divisional Engineer, MKVDC in LAR No. 5 of 1998 (Salav lands) where he has stated that the Neera Deoghar dam is an earthen dam and the earth required for such dam was taken from Salav and other villages, which could obviously include at least Dabkeghar.

72] In *Trishala Jain (supra)*, the Hon'ble Supreme Court has held that deductions, if any, are to be made once the market rate in the locality is determined by reference to comparable sale instances or once the exemplars are identified. The extent of deductions, if any, varies widely depending upon facts and circumstances of a given case. Normal rule is that deduction is to be applied on account of carrying out development activities like road or civic amenities etc., particularly when land has been acquired for construction of residential, commercial or institutional project. It shall also be applied where sale instances (exemplars) relate to smaller pieces of land and in comparison, the acquisition relate to a large tract of land.

73] In *Land Acquisition Officer, Kammarapally Village vs. Nookala Rajamalu - (2003) 12 SCC 334*, the Hon'ble Supreme Court has held that it is advisable to apply some deduction on account of exemplars of plots of smaller size relied upon by way of evidence by the parties. This is the normal rule, but not free of exceptions. At paragraphs 40 and 41, the Hon'ble Supreme Court has observed thus:

*“40. This Court in Land Acquisition Officer v. Nookala Rajamallu – (2003) 12 SCC 334 had also observed that it is advisable to apply some deduction on account of exemplars of plots of smaller size relied upon by way of evidence by the parties. This is the normal rule stated by the court but it is not free of exceptions. Similarly, it is neither possible nor appropriate to stricto sensu define a class of cases where the court would not apply any deduction. This again would be dependent upon the facts and circumstances of a given case.*

*41. The cases where the acquired land itself is fully developed and has all essential amenities before acquisition, for the purpose for which it is acquired requiring no additional expenditure for its development, falls under the purview of cases of “no deduction”. Furthermore, where the evidence led by the parties is of such instances where the compensation paid is comparable i.e. exemplar lands have all the features comparable to the proposed acquired land, including that of size, is another category of cases where principle of “no deduction” may be applied. These may be the cases where least or no deduction could be made. Such cases are exceptional and/or rare as normally the lands which are proposed to be acquired for development purposes would be agricultural lands and/or semi or haphazardly developed lands at the time of issuance of notification under Section 4(1) of the Act, which is the relevant time to be taken into consideration for all purposes and intents for determining the market value of the land in question”.*

74] In *Viluben Jhalejar Contractor vs. State of Gujarat 2005 (4) SCC 789*, the Hon'ble Supreme Court was considering the

compensation to be awarded for acquisition of lands in Santrampur which would have come under submergence of water released from Kadana Jalagar Yojna (Kadana dam). The Land Acquisition Officer has determined compensation at rates ranging between Rs.35/- to Rs.60/- per square meter. The reference court, after the matter was once remanded to it, relying upon a sale instance in respect of a plot admeasuring only 46.30 sq. meter at Godhra Bhagal, determined the market rate at Rs.200/- per square meter. However, the reference court, made deductions to the extent of 53% towards developmental charges and on basis thereof, determined the market rate for the acquired lands at Rs.140/- per sq.meter. The High Court, in appeal, held that since the acquired lands were to be submerged, deduction was not justified and on this basis, determined the rate at Rs.180/- per sq.meter in respect of acquired plots having large area and Rs. 200/- per sq. meter for acquired plots having small area. In the appeals instituted by the State of Gujarat as well as the claimants, the Hon'ble Supreme Court approved the reasoning of the High Court and determined the rate at Rs.160/- and Rs.175/- per sq.meter. The relevant observations in paragraphs 20 to 23 and 32 read thus:

*“20. The amount of compensation cannot be ascertained with mathematical accuracy. A comparable instance has to be identified having regard to the proximity from time angle as well as proximity from situation angle. For determining the market value of the land under acquisition, suitable adjustment has to be made having regard to various positive and negative factors vis-à-vis the land under acquisition by placing the two in juxtaposition. The positive and negative factors are as under:*

*Positive factors*

*(i) smallness of size*

*(ii) proximity to a road*

*Negative factors*

*(i) largeness of area*

*(ii) situation in the interior at a distance from the road*

- |   |   |
|---|---|
| <p>(iii) frontage on a road</p> <p>(iv) nearness to developed area</p> <p>(v) regular shape</p> <p>(vi) level vis-à-vis land under acquisition</p> <p>(vii) special value for an owner of an adjoining property to whom it may have some very special advantage</p> | <p>(iii) narrow strip of land with very small frontage compared to depth</p> <p>(iv) lower level requiring the depressed portion to be filled up</p> <p>(v) remoteness from developed locality</p> <p>(vi) some special disadvantageous factors which would deter a purchaser</p> |
|---|---|

21. Whereas a smaller plot may be within the reach of many, a large block of land will have to be developed preparing a layout plan, carving out roads, leaving open spaces, plotting out smaller plots, waiting for purchasers and the hazards of an entrepreneur. Such development charges may range between 20% and 50% of the total price.

22. Certain peculiar features of this case may, at this juncture, be noticed. Due to construction of Kadana Dam and due to water logging causing submergence, the development of Pratappura even according to the claimants had practically stopped. Development shifted to the area known as Godhra Bhagal. The finding of the Reference Court to the effect that the acquired lands had potentiality for more development is, thus, not correct.

23. A river known as Suki intervened between Santrampur town and Godhra Bhagal. In a case of this nature, it is difficult to evolve a principle which would apply to all situations. Some amount of rational guesswork, in our opinion, is inevitable.

.....

.....

32. We have noticed hereinbefore that the purpose for which the land is acquired must also be taken into consideration. In the instant case, the lands were acquired because they were to be

*submerged underwater. The land would not have any potential value. The development of area where the land was situated had stopped. On the other hand, the development began on the other side of River Suki. The parties were aware of the consequences of the project undertaken by the Government of Gujarat. The sale instances, for comparison, having regard to the nature and area of the land carves out a distinction, inasmuch as the area sold under Ext. 145 is 46.30 square metres while two plots under acquisition measured 18,528 square metres and 10,993 square metres respectively. We, therefore, are of the opinion, having regard to the entire facts and circumstances of this case that interest of justice would be subserved if compensation is determined at the rate of Rs 160 per square metre for the large plots and Rs 175 per square metre for the small plots.”*

75] Therefore, it is not possible to accept the contentions that the sale instances relied upon by the reference courts ought to have been rejected on account of the smallness of the size of the exemplars and the largeness of the acquired areas. No doubt, some deductions are certainly warranted on account of this factor. The deductions will have to be made keeping in mind that the area of acquired individual land holdings is quite similar to the area of the exemplars. Besides, the material on record establishes that there was no appreciable difference between the land quality of the exemplars and the acquired lands. This is also not a case of acquisition for construction of any residential, commercial or institutional project as noted in *Trishala Jain (supra)*, where, deduction is to be applied on account of carrying out development activities like road, civic amenities etc.. Rather, this is a case of acquisition because the acquired lands were to be submerged in the dam waters, as was the case in *Viluben Jhalejar Contractor (supra)*. Gautam Londhe, Sub-Divisional Officer, MKVDC has in fact admitted that the earth from

village Salav was utilised for the construction of Neera Deoghar dam, which is a earthern dam.

**Mahad-Pandharpur State Highway – Whether proper impact considered ?**

76] Mr. Dabke and Mr. Palkar for the State Government, contend that the Mahad-Pandharpur State-Highway which passes through Nirgudghar, Nangaon and Aпти is a very significant and distinguishing feature . They submit that for this very reason the sale instances from these three villages cannot be regarded as comparable instances to lands in Dabkeghar and Salav. The State Government has not instituted any appeal to question the awards in Deoghar lands where the reference courts, relying upon sale instances from Nirgudghar and Nangaon have determined compensation at the rate of Rs.2,25,000/- per hectare. Mr. Dabke and Mr. Palkar, however, submit that Dabkeghar and Salav are located to the south of River Neera and at a substantial distance from the State Highway. Therefore, there can be no comparison between the sale instances in Nirgudghar and Nangaon, which are to the north of River Neera and through which, the State Highway actually passes.

77] There is no appreciable difference between the acquired lands in Deoghar and Nirgudghar or Nangaon. Deoghar is also to the north of River Neera and shares a common boundary with Nirgudghar and Nangaon. The State Highway is at a distance of less than ½ km from Deoghar. There is evidence on record that the old Mahad-

Pandharpur Road stands submerged under the dam waters. This means that this road was available at or near Deoghar. Therefore, there can be no difficulty in accepting the sale instances from Nirgudghar or Nangaon in order to determine the rate of compensation in respect of Deoghar lands, though, some deductions will be due on account of distance from the State Highway.

78] Dilip Gavade, SLAO, who has deposed in LAR No. 5 of 1998 (Salav lands) has categorically stated that he placed reliance upon sale instances from Nirgudghar, Nangaon, Aпти and Kari because *“they were inferior in quality like the lands acquired”*. He has admitted that *“the lands at villages Aпти, Nandgoan and Kari are near about the same quality as the lands in village Salav”*. He has admitted that *“Dabkeghar village is adjacent to village Salav. The quality of lands at village Dabkeghar and Salav are near about the same”*.

79] There is evidence on record that for most of the year, except during some months of the rainy season, there was hardly any water in the River Neera. Admittedly, there was a small bridge connecting Nirgudghar with Salav. The distance between Dabkeghar or Salav on one hand and Nirgudghar or Nangaon was hardly 1 to 1 & ½ Kms. In fact, Dabkeghar shares a boundary with Deoghar and Salav shares a boundary with Nirgudghar, except that the River Neera used to flow in between. Just like Deoghar and Nirgudghar, even Dabkeghar and at least some lands from Salav were on the banks of River Neera. The terrain in these villages was substantially similar. The crops cultivated in these villages were substantially similar. Though there is evidence that there were no hospitals or bazaars in

Dabkeghar and Salav , there is no evidence that such amenities were available in Nirgudghar or Nangaon as well. Therefore, it cannot be said that the sale instances were not at all comparable instances. However, suitable deductions are undoubtedly warranted because the State Highway was certainly a plus factor in respect of the exemplars or the absence of a State Highway or the distance from the State Highway was obviously a minus factor, insofar as the acquired lands at Dabkeghar and Salav were concerned.

80] In *Bhule Ram vs. Union of India and anr. - (2014) 11 SCC 307*, the Hon'ble Supreme Court has held that the market value of the land should be determined taking into consideration the existing geographical situation of the land, existing use of the land, already available advantages, like proximity to National or State Highway or road and/or notionally or intentionally renowned tourist destination or developed area and market value of other land situated in the same locality or adjacent or very near to acquired land and also to size of such a land. There may be a case where huge tract of land is acquired which runs though continuous, but to the whole revenue estate of a village or to various revenue villages or even in two or more states. Someone's land may be adjacent to the main road, others' land may be far away, there may be persons having land abutting the main road but the frontage may be varied. Therefore, the market value of the lands is to be determined taking into consideration the geographical situation and in such cases belting system may be applied. In such a fact situation every claimant cannot claim the same rate of compensation.

81] In *Revenue Divisional-Cum- Officer LAO vs. Shaikh Ajam Saheb – 2009 (4) SCC 395*, the Hon'ble Supreme Court was concerned with determination of the market value of the acquired land which was situated about 4 kms away from the Kurnool Town abutting National Highway No.18. Upon comparing the sale instances, the rate of compensation was determined. A deduction of extra 10% was given for lands which were away from the highway.

*Whether sale instances from Nirgudghar, Nangaon and Kari are comparable sale instances ?*

82] The SLAO as well as the reference courts have mainly referred to or relied upon the sale instances from Nirgudghar, Nangaon, Aпти and Kari in order to determine the rates of compensation for the acquired lands in Dabkeghar, Salav and Deoghar. There is ample evidence on record explaining the location of all these villages, topography and the quality of lands therein and distinguishing features which either add to or detract from the value of the rates reflected in the exemplars.

83] The evidence on record establishes that all the aforesaid villages are to the east of Bhor (town). The eastern region is much less developed as compared to the region to the west of Bhor, which has some industries. The acquisition in the villages of Dabkeghar, Salav and Deoghar was for the NDIP, which involved construction of a dam on the River Neera and the consequent submergence of lands in these villages under the dam waters. Upon construction of the dam, the acquired lands in the three villages of Dabkeghar, Salav

and Deoghar have indeed submerged. The sale instances mainly relate to the lands in villages Nirgudghar, Nangaon and Aпти , which are located on the other side of the dam.

84] There is ample evidence, both oral as well as documentary, which establishes that the locations of the exemplars in the villages Nirgudghar, Nangaon and Aпти in juxtaposition to the acquired lands in the villages Dabkeghar, Salav and Deoghar. Even the revenue maps tendered in evidence by Gautam Londhe for MKVDC greatly assist in the appreciation of such locations. Several witnesses have not only deposed to the locations but also to the distances between villages, the quality of lands, geographical features, presence or absence of amenities and other relevant matters.

85] The villages of Dabkeghar and Salav lie on the southern bank of River Neera. The villages of Deoghar, Nirgudghar, Nangaon and Aпти are on the northern bank of River Neera. From the maps produced on record, if, four villages, i.e., Dabkeghar, Salav, Deoghar and Nirgudghar are notionally placed in a four square frame , then, the two northern squares will represent Deoghar and Nirgudghar. The two southern squares will represent Dabkeghar and Salav. The villages Deoghar and Nirgudghar share common east-west boundary. Similarly, the villages Dabkeghar at Salav also share a common east-west boundary. To the north of village Dabkeghar, is the village Deoghar, with only the River Neera in between. Similarly, to the north of village Salav, is the village Nirgudghar, again, with only the River Neera in between. There is evidence on record that for most parts of the year , except during some months when it rains, there

was hardly any water in the River Neera. There is evidence on record of the existence of a small bridge linking the villages Nirgudghar and Salav. There is evidence on record that there was no appreciable difference in the land quality in the four villages, as also, the villages of Nangaon and Apti. In fact, Dilip Gavade, SLAO, has stated that he took into consideration sale instances from Nangaon, Apti and Kari because because *“they were inferior in quality like the lands acquired”*. He has admitted that *“the lands at villages Apti, Nandgoan and Kari are near about the same quality as the lands in village Salav”*. He has admitted that *“Dabkeghar village is adjacent to village Salav. The quality of lands at village Dabkeghar and Salav are near about the same”*. The distance between the villages Deoghar and Nangaon is ½ km. The distance between Deoghar and Nangaon and Apti is also about the same. The distance between Dabkeghar and Nirgudghar is about 1 to 1 & ½ km. The distance between the Dabkeghar and Salav is also between ½ to 1 km. This means that all these villages are within a radius of 1 to 2 kms. This is obviously the reason why even the SLAO referred to sale instances from these villages, amongst some others.

86] The State Government in its appeals however submits that the sale instances from Kari are most appropriate to determining the rate of compensation at least insofar as Salav and Dabkeghar lands are concerned. The MKVDC, to say the least, has been totally inconsistent in its stance. When it comes to Salav and Dabkeghar lands, the MKVDC urges that the lands in Nirgudghar, Nangaon and Apti being far superior and having the benefit of Mahad-Pandharpur State Highway, cannot be regarded as comparable instances.

However, when it comes to Deoghar lands, which have substantially similar amenities to lands in Nirgudghar, Nangaon and Aпти, the MKVDC takes the stance that Salav and Dabkeghar lands are superior to Deoghar lands. The MKVDC urges that sale instances from Kari, Ryari, Mhasur-Budruk and Mhasur-Khurd afford comparable instances, in order to determine the rate of compensation for the acquired lands.

87] The SLAO and for that matter even the reference court has referred to some sale instances from Kari. In fact, the impugned award in LAR No. 5 of 1998 relating to Salav lands, is mostly based upon the sale instances from Kari. This is the reason why the rate of compensation for Salav lands , which are adjacent to Dabkeghar lands has been determined at Rs.1,00,000/- to Rs.1,14,000/- per hectare, even though, the rate in LAR No. 70 of 1997 relating to Dabkeghar lands is Rs.2,55,000/- per hectare. The rate determined by the reference court in LAR No. 70 of 1997 relating to Dabkeghar lands is on the higher side and is required to be suitably scaled down. However, from the material on record, it is quite clear that there is no appreciable difference between the Dabkeghar lands and the Salav lands so as to warrant such a substantial difference. In fact, Dilip Gavade, SLAO, who deposed in reference number LAR No. 5 of 1998 relating to Salav lands has categorically stated “*Dabkeghar village is adjacent to village Slav. The quality of lands at village Dabkeghar and Slav are near about the same*”. Similarly, from the material on record, it does appear that the sale instances in Kari, Ryari , Mhasur Budruk and Mhasur Khurd cannot be regarded as comparable sale instances when it comes to determination of market

rate for the acquired land in the villages of Dabkeghar, Salav and Deoghar.

88] The claimants have deposed that Kari is to the east of Salav. However, the distance between Salav and Kari is about 6-8 kms and in between, there are at least two mountains. They have deposed that there is no direct road linking to the villages of Salav and Kari. Even, Gautam Londhe, for MKVDC has admitted that the distance between Salav and Kari is 6-8 Kms. The Salav village is on the southern bank of River Neera whereas, Kari is at a substantial distance from the River bank and the terrain at Kari is hilly. Londhe has also admitted that the distance between Deoghar and Kari is almost 18 kms. Kari is much in the interiors as compared to villages of Dabkeghar and Salav. Despite all this, even the sale instances from Kari reflect rate of approximately Rs.1,50,000/- or thereabouts in some cases. Mr.Potnis submits that the sale instances from Kari are in relation to cremation grounds or sales between father and daughter. This is, no doubt, an additional reason to hold that the sale instances from Kari, cannot be regarded as comparable instances. If, sale instances from Kari cannot be regarded as comparable instances, then surely, the sale instances from Ryari , which is really a village on the mountain top, can hardly be regarded as comparable instances. The sale instances in Mhasur villages were relied upon possibly because of the proximity of these villages to Deoghar. However, even these sale instances, cannot be regarded as comparable instances, particularly, because these two villages are on mountain tops and the lands of the villagers are beyond the mountain. When sale instances from adjacent villages, having

substantially similar features are available on record , there is no question of reference to sale instances from Mhasur village in order to determine the rates of the acquired lands at Deoghar.

89] As noted earlier, one of the main distinguishing feature between lands in the villages Nirgudghar, Nangaon and Aпти on one hand and the Dabkeghar and Salav lands on the other is that the former villages have the benefit of Mahad-Pandharpur State Highway, which passes through the said villages. There is ample evidence on record to establish this distinguishing feature. The main market place is at Bhor town, which is at a distance of about 11 to 12 kms. from these villages. The Mahad-Pandharpur State Highway, renders motorable access to the Bhor town quite facile. Besides, some development in and around the State-Highway, is inevitable.

90] The sale instances at Exhibit-12, Exhibit-14 and Exhibit-18 have to be excluded from consideration. This is because Exhibit-12 relates to a plot which is bounded to the east by the State Highway. Exhibit-14 relates to a plot purchased for construction of a house. Exhibit-18 relates possibly to a plot which is bounded on the one side of State Highway or very proximate to the State Highway. The rate reflected in this sale instance is abnormally high, i.e., Rs.4,08,000/- per hectare, when in fact, in the previous year, the very same vendor, vide sale instance at Exhibit-17, had sold the same area from out of the same Gat at the rate of Rs.2,19,000/- per hectare. Similarly, the sale instances at Exhibits-15 and 16 will have to be excluded from consideration because they relate to lands at Kari.

91] The sale instances which can be taken as comparable sale instances or exemplars are therefore, Exhibit-13, Exhibit-17 and Exhibit-19. As noticed earlier, the sale instance at Exhibit-13 from Nangaon reflects the rate of Rs.2,80,000/- per hectare as on date of section 4 Notification for Dabkeghar lands (6.5.1993). The date of section 4 Notification for Salav is 21 July 1994 and for Deoghar is 19 August 1993. The sale instance at Exhibit-17 from Nirgudghar reflects the rate of Rs.2,19,000/- per hectare and Exhibit-19 again from Nirgudghar reflects the rate of Rs.1,73,423/- per hectare. Applying the legal position in *Hans Raj (supra)*, *Sri. Rani M. Vijayalakshamanna Rao (supra)* and *Anjani Desai (supra)*, from out of the comparable sale instances, normally, the highest exemplar, which is a *bonafide* transaction is required to be considered to determine the rate of compensation. This is because we are dealing with compulsory acquisition lands and there is no reason to place the landlosers at any disadvantageous position in such matters. In *Sri Rani M. Vijayalakshmanna Rao Bahadur (supra)*, the Hon'ble Supreme Court has held : “*whatever that may be, it seems to us to be only fair that where sale deeds pertaining to different transactions are relied on behalf of the Government, that representing the highest value should be preferred to the rest unless there are strong circumstances justifying a different course. In any case we see no reason why an average of two sale deeds should have been taken in this case.*”

92] If the principle in *Anjani Desai (supra)* that where there are several sales of similar lands whose prices range in a narrow bandwidth, the average thereof can be taken as representing the market price is applied, then, the average rate of Exhibits-13,

Exhibit-17 and Exhibit-19 comes to Rs.2,24,141/-. Incidentally, in LAR NO.276 of 1997, which concerns the Deoghar land, the reference court has determined compensation for Deoghar lands at Rs.2,25,000/-. The village Deoghar, was virtually adjacent to the villages Nirgudghar and Nangaon. Even the State Government did not choose to challenge the rate of Rs.2,25,000/- per hectare awarded by the reference court to the Deoghar lands. Only, the MKVDC, claiming to be the acquiring body, has challenged such rate. Even the landlosers of Deoghar lands have accepted this rate, since there is no challenge to the award dated 5 April 2008 made by the reference court in LAR No. 276 of 1997 on their behalf. In these circumstances, it will be safer to proceed on the basis that the rate of lands to the north of the Neera River in the villages of Deoghar, Nirgudghar and Nangaon was between Rs.2,25,000/- per hectare to Rs.2,80,000/- per hectare.

**What is the appropriate rate for Dabkeghar lands ?**

93] The Dabkeghar lands or the Salav lands are to the south of River Neera. No doubt, there was a small bridge linking the village Nirgudghar and the village Salav. However, from the deposition of the claimants themselves in LAR No. 70 of 1997 (Dabkeghar lands) and LAR No. 5 of 1998 (Salav Lands). It is clear that there was no transportation facility, Government hospital or Bazaar in these two villages. There was no educational facility beyond VIIth standard at Dabkeghar. Most importantly, these two villages lack the amenity of the Mahad-Pandharpur State Highway and all benefits which go with such amenity. These two villages can be said to be in the

interiors as compared to the villages to the north of River Neera. On account of all these minus factors which affect the acquired lands and the plus factors which benefit the exemplars, deductions are obviously due and there is no scope to accept the Deoghar land rates as market rates for Dabkeghar and Salav lands. The Dabkeghar lands are right on the southern bank of River Neera. They are plain lands. There is evidence that they were used for cultivation of several crops. They were Jirayat lands. There is no necessity for any deductions towards development charges, since, ultimately, these lands were acquired because they were to suffer submergence on account of the NDIP. The Dabkeghar lands are just across the River Neera in juxtaposition to the Deoghar lands. Mr. Potnis, quite grudgingly had agreed that deductions to the extent of about 10%, as between the sale instances from Nirgudghar, Nangaon or Apti may not be entirely inappropriate. Taking into consideration all these factors cumulatively and making some reasonable guesstimate, the market rate in respect of Dabkeghar lands will have to be determined at Rs.2,05,000/- per hectare. To this extent, First Appeal No. 1464 of 2005, instituted by the State Government will have to be allowed.

**Whether Cross objectors in appeals relating to Dabkeghar lands are entitled to additional interest under section 28 of the said Act?**

94] The reference court, in the impugned judgment and award dated 24 August 2004 has awarded interest on the compensation amount at the rate of 9% annum from the date of dispossession of

the claimants till the date of payment. The claimants, relying upon section 28 of the said Act, have lodged cross-objections in most of the appeals relating to Dabkeghar lands claiming interest at the rate of 15% per annum from the date of expiry of period of one year from the date of their dispossession and until payment or deposit of the excess compensation.

95] In the impugned award dated 24 August 2004 in LAR No. 70 of 1997, the reference court has awarded interest at the rate of 9% per annum in the following terms:

*“9. In all above Land References the enhanced amount of compensation shall carry interest at the rate of 9% p.a. From the date of dispossession of the each applicant till realisation of entire amount”.*

96] Section 28 of the said Act reads thus:

*“28. Collector may be directed to pay interest on excess compensation.*

*If the sum which, in the opinion of the court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the court may direct that the Collector shall pay interest on such excess at the rate of [nine per centum] per annum from the date on which he took possession of the land to the date of payment of such excess into Court:*

*Provided that the award of the court may also direct that where such excess or any part thereof is paid into court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into court before the date of such expiry.*

97] The reference court, by the impugned award dated 24 August 2004 has concluded that the sum, which, in its opinion, the SLAO ought to have awarded as compensation is in excess of the sum which the SLAO did award as compensation. On such basis, applying the main provision of section 28 of the said Act, the reference court has proceeded to direct the SLAO to pay interest on such excess at the rate of 9% per annum from the date on which he took the possession of the land to the date of payment of such excess into court. However, the reference court has completely missed the proviso to section 28 of the said Act, which, in terms provides that the award of the court may also direct that where such excess or any part thereof is paid into court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of 15 % per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into the court before the date of such expiry. In terms of such proviso, the reference court, in the facts and circumstances of the present case, was required to direct the SLAO to pay the claimants interest at the rate of 15 % per annum from the date of expiry of period of one year from the date on which the SLAO took possession of the land to the date of payment of excess compensation into the court. To this extent, there is a clear error in the impugned award, which warrants modification. The cross-objections raised by the claimants, insofar as Dabkeghar lands are concerned, are therefore, liable to be upheld.

**What is the appropriate rate for Salav lands?**

98] Insofar as Salav lands are concerned, the evidence on record suggest that there is no appreciable difference between the Dabkeghar lands and the Salav lands. However, the material on record does suggest that major portion of the Salav village and the lands therein are slightly in interiors as compared to the Dabkeghar lands. The Salav lands are at the foot hills , beyond which, are found the villages of Kari or Ryari. The Salav lands are certainly much better placed than Kari or Ryari lands, but not as well placed as the Dabkeghar lands. From the maps produced on record by the MKVDC, it is seen that some portions of Salav lands are on the south bank of River Neera and adjacent to village Dabkeghar. However, the village Salav extends into the foothills and the lands near the foothills, to that extent, are away from the River bank. The Salav lands, therefore, are not as plain and as levelled as Dabkeghar lands. These are some minus factors, which will have to be taken into consideration for determining the appropriate rate for Salav lands.

99] The reference court, in the impugned award dated 29 January 2005 in LAR No. 5 of 1998 (Salav lands), has clearly erred in relying upon sale instances from Kari. As noted earlier, the sale instances from Kari could never have been regarded as comparable instances. Besides, since comparable instances from the proximity angle emanating from the villages of Nirgudghar and Nangaon were very much available on record, there was no reason to travel beyond two hills and at a distance of about 6 to 8 kms. to Kari and to hold that the sale instances from Kari are the proper exemplars. The rate

reflected in the Kari sale instances is about Rs.1,50,000/- per hectare. Therefore, even if the Kari sale instances are to be taken into consideration, suitable addition are necessary because the lands at Salav are much better place than the Kari lands. They are much more levelled than Kari lands. Some of the Salav lands are on the banks of River Neera whereas, Kari is at a substantial distance away from River Neera. Salav lands are in the foothills unlike the Kari lands. The Salav lands are connected to Nirgudghar via small bridge over River Neera. The Salav lands are much closer to the highway as compared to Kari lands. These plus factors will have to be loaded upon the exemplars from Kari, even assuming that the Kari sale instances can at all be regarded as exemplars. Taking all these circumstances and on the basis of some reasonable guesstimate, it will be appropriate to determine the rate of compensation in respect of Salav lands at Rs.1,80,000/- to Rs.1,94,000/- per hectare in respect of Salav lands, instead of the rate of Rs.1,00,000/- to Rs.1,14,000/- as determined by the reference court. This means that the lands for which the reference court had determined the rate of Rs.1,00,000/- per hectare, will have to be awarded compensation at the rate of Rs.1,80,000/- per hectare and the lands for which the reference court had determined the rate at Rs.1,14,000/- per hectare will have to be awarded compensation at the rate of Rs.1,94,000/- per hectare.

**What is the appropriate rate for Deoghar lands ?**

100] Insofar as First Appeal No. 1089 of 2009 which relates to Deoghar lands is concerned, again, there is no case made out to

interfere with the rate of Rs.2,25,000/- per hectare determined by the reference court. There is no appreciable difference between the lands in villages of Nirgudghar, Nangaon , Apti and the Deoghar lands. Deoghar and Nirgudghar share a common boundary. The distance between Deoghar and Nangaon is hardly a kilometer or thereabouts. There is material on record that the Mahad-Pandharpur State-Highway is at a distance of ½ km from Deoghar. If the highest sale instance from Nirgudghar reflects rate of Rs.2,80,000/- per hectare or even the average rate as between the Nirgudghar and Nangaon sale instances is approximately Rs.2,24,173/- , which precisely is the rate determined by the reference court in LAR No. 276 of 1997 for the Deoghar lands. The sale instances from Mhasur Budrukh and Mhasur Khurd relied upon by the MKVDC are not comparable sale instances. The villages are on hill tops and the lands beyond the hills. Mr. Shinde's contention that the sale instances from Nirgudghar and Nangaon, which are virtually the adjacent village be ignored and the sale instances from Mhasur villages be taken into consideration, cannot therefore be accepted. Mr. Shinde's contention that Deoghar lands have hilly terrain or the deposition of Gautam Londhe that Deoghar lands are inferior even to Dabkeghar and Salav lands, certainly does not deserve any acceptance.

101] Even otherwise, Gautam Londhe, Sub-Divisional Engineer, MKVDC, in his evidence has admitted that he was appointed at the MKVDC only on 15 July 2003. He has admitted that he has inspected the lands only in the year 2004-2005. He has admitted that he has caused the photographs of the lands which form the subject matter of the sale instances in the villages of Nirgudghar, Nangaon, Apti,

Kari only in the year 2006-2007, which is the first time he inspected these lands. From the evidence of the photographer Subhash Gavhane, it appears that Londhe was not even aware of the lands which form the part of the sale instances and therefore, two junior Engineers had to accompany the photographer. Again, it is admitted that Talathi , who would have otherwise been familiar with the areas, was not present. The photographer has stated that he has no personal knowledge about the sites and he simply took the photographs as directed. Londhe, produced sales instances from villages like Ryari, Nivangaon, Mhasur etc.. Initially, Londhe stated that the village Nivangaon is at a distance of 7 to 8 kms form Salav. Upon being confronted by the maps produced by him earlier, Londhe conceded that Nivangaon is at a distance of about 17 kms from Salav. Londhe conceded that he has not verified the contents of sale deed dated 28 February 1994 in respect of the lands at Ryari. Londhe conceded that he was not aware as to whether the sale transactions produced by him were transactions of sale or mortgaged. Londhe admitted that he has not verified whether the sale transactions are between close relatives. Londhe also admitted that the distance between Deoghar and Kari is about 18 kms. Londhe, relied upon the award relating to Salav lands in order to submit that the Salav lands are better than Deoghar lands. The case of State Government and MKVDC has consistently been that lands to the north of River Neera are far better and far superior than the lands to the south, i.e., Salav and Dabkeghar. Deoghar is to the north of River Neera and at a distance of hardly ½ km from the Mahad-Pandharpur State Highway. All these are sufficient reasons to uphold

the rate determined by the reference court in respect of Deoghar lands.

**Whether MKVDC appeals relating to Deoghar lands are required to be dismissed on grounds of maintainability ?**

102] Mr. Potnis, learned counsel for the claimants, had in fact submitted that MKVDC cannot be regarded as “*acquiring body*” insofar as present acquisitions are concerned since section 4 Notification in these matters were issued in the year 1993-1994 and the MKVDC, which is a statutory corporation, was incorporated only in the year 1996. He submits that the MKVDC cannot even be construed as '*local authority*' as defined under section 3(aa) of the said Act. Mr. Potnis relies upon the decision of the Division Bench of this court in the case of *Maharashtra Krishna Valley Development Corporation (supra)*, in support of these submissions.

103] There is no necessity to decide the issue of maintainability, particularly, because the MKVDC has failed to make out any case warranting interference with the impugned award dated 5 April 2008 in LAR No. 276 of 1997 and connected matters relating to the Deoghar lands. The observations of the Division Bench in *Maharashtra Krishna Valley Development Corporation (supra)*, to the certain extent, support the submissions of Mr. Potnis. The observations were made in the context of challenge by MKVDC to the award of SLAO without impleadment of MKVDC in the proceedings. The relevant observations at paragraph 13 read thus:

“13. The second contention is that the Appellant being the

*Acquiring Body ought to have been heard while passing the impugned Award. We must note here that a notification under section 4(1) of the said Act in relation to the lands of the contesting respondents was published on 28th August 1991 and the Award under section 11 was made on 22nd June 1994. In paragraph 3 of the petition, the specific averment is that the acquisition of the lands of the respondents was at the instance of the Irrigation Department of the State Government. In fact, in paragraph 1 of the petition it is stated that the Appellant Corporation was formed in the year 1996. Therefore, by no stretch of imagination, it can be said that either the Appellant Corporation is the Acquiring Body or the acquisition of the land of the respondents was at the instance of the Appellant Corporation. Therefore, even the second contention has no merit.”*

104] However, at this stage, it will not be appropriate to dismiss the appeals instituted by MKVDC on the ground of maintainability. This is because MKVDC was very much the party respondent in all the references before the reference court. MKVDC has led evidence in the matter, which has been duly considered by the reference court. There is nothing on record to indicate that the presence of MKVDC before the reference court was at any stage objected to by the claimants. The MKVDC, in its written statement before the reference court has stated that it has been entrusted with the responsibility of NDIP and matters connected therewith. In such circumstances, it will not be appropriate to non-suit MKVDC at this stage, by relying upon the aforesaid observations of the Division Bench.

105] Incidentally, the Division Bench, in *Maharashtra Krishna Valley Development Corporation (supra)*, also did not non-suit the Appellant - MKVDC on the ground that it lacked *locus standi* to institute the

writ petition or on the ground of maintainability. The writ petition was entertained, but dismissed on merits. The contention of MKVDC that it was required to be heard before the land acquisition officer could make its award was however rejected, *inter alia* by noting that acquisition proceedings had commenced in pursuance of section 4 notification published on 28 August 1991 and on the said date, MKVDC was not even established or incorporated.

**Whether References for Deoghar lands - Barred by limitation ?**

106] In First Appeal No. 1089 of 2009 as well as the connected matters, MKVDC has questioned the competency of the references itself, on the ground that they were barred by limitation as prescribed under section 18 of the said Act. Such issue, it appears, was not raised by MKVDC in its written statement filed before the reference court. The MKVDC only denied vaguely the assertion of the claimants that the reference applications were made within the prescribed period of limitation. The reference court, possibly on basis of objections raised by State Government and SLAO, framed an issue on limitation. The reference court then went on to answer such issue in favour of the claimants and against the State Government.

107] Mr. Shinde submits that the SLAO, in these matters, made the award on 22 January 1996. There is material on record which establishes that notice under section 12(2) of the said Act was duly served upon the claimants on or before 1 October 1996. However, the reference was applied for only on 30 December 1996, which is

beyond the six weeks period prescribed in section 18(2)(b) of the said Act. The claimants in these cases were not entitled to the benefit of the extended period of six months from the date of the award since notices under section 12(2) of the said Act were served upon them. In any case, since application seeking references were made beyond six months from the date of the award, the same were clearly barred and the reference court had no authority or jurisdiction to entertain the same on merits. Mr. Shinde also submits that in a matter of this nature, the claimants were not entitled to set off the period spent by them for the purpose of obtaining certified copy of the award dated 22 January 1996. The exclusion of such period by the reference court is contrary to the law laid down by Single Judge of this court in *Shantaram Ganesh Shenoy vs. Special Land Acquisition Officer, Ratnagiri – 2006 (93) Mh.L.J. 781* and the Division Bench in *Bahadur Singh Jhala vs. Special Land Acquisition Officer, Pune and anr. - 2009(1) Mh.L.J. 236*.

108] On the other hand, Mr. Potnis, learned counsel for the claimants submits that there is absolutely no material brought on record by MKVDC or the SLAO to establish that notice under section 12(2) of the said Act was really served upon the claimants. In any case, he submits that there is absolutely no material brought on record by MKVDC and the SLAO that the copy of the award had accompanied any notice under section 12(2) of the said Act at the time of alleged service. He submits that the onus of proving such matters was squarely upon the MKVDC or the State and such onus has been far from discharged. Further, Mr. Potnis points out that even the communication dated 26 March 1997 by which the SLAO,

actually made or forwarded the reference to the reference court, clearly states that the award was made on 10 May 1996 and not on 22 January 1996. The perusal of the award also makes it clear that the same was declared on 10 May 1996. In such circumstances, it can never be said that the references were time barred under section 18(2)(b) of the said Act. Mr. Potnis has placed reliance upon number of decisions, including in particular, the decision of the Hon'ble Supreme Court in the case of *Premji Nathu vs. State of Gujarat & Anr. 2012(5) Mh.L.J. 514.*

109] Section 18 of the said Act reads thus:

*“18 Reference to Court. - (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.*

*(2) The application shall state the grounds on which objection to the award is taken:*

*Provided that every such application shall be made,*

*(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;*

*(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.*

*(emphasis supplied)*

110] In the present matters, there is no dispute whatsoever that the claimants were neither present nor represented before the SLAO when he declared his award. Contrary to the assertion of Mr. Shinde for MKVDC, there is ample material on record which establishes that the award was declared on 10 May 1996 and not 22 January 1996.

There is no legal evidence on record to establish that notices under section 12(2) of the said Act were indeed served upon any of the claimants. In any case, it has neither been asserted nor established that copy of the award was furnished to the claimants alongwith the alleged notice under section 12(2) of the said Act. There is no dispute that certified copies were applied for by the claimants on 14 October 1996 and the same were delivered to them on 22 November 1996. There is also no dispute that the applications seeking reference under section 18 of the said Act were filed by the claimants on 30 December 1996. This material is quite sufficient to uphold the finding recorded by the reference court that the references were filed within prescribed period of limitation.

111] The examination of the award of the SLAO makes it quite clear that the same was declared on 10 May 1996 and not 22 January 1996. The first page and the last page bear two dates, i.e., 4 October 1995 and 22 January 1996 below one another . These are written in ink and bear no initials. This is also found on the last page of award, i.e., an endorsement in ink which reads '*Draft award for approval*'. There is yet another endorsement on the last page of the award in ink, which reads '*Award declared on 10.5.1996*' . The SLAO's signature appears below this endorsement with the date '*10/5*'.

112] The best person/authority to clarify the issue of the date of declaration of the award was the SLAO. In his written statement before the reference court, he has stated that the award was declared by him on 10 May 1996. In his deposition before the

reference court also, he has stated that the award was declared by him on 10 May 1996. Even the communication dated 26 March 1997, by which the SLAO made or forwarded the references to the reference court state that the award was declared on 10 May 1996. The MKVDC, in such circumstances, can hardly be permitted to take any advantage of the stray sentence in the deposition of one of the claimants Kisan Pandu Kank, that the award was declared on 22 January 1996. Obviously, the witness was misled by the date on the front page of the award.

113] The claimants in their reference applications have asserted that the reference application was filed within the limitation period prescribed in section 18 of the said Act. The column regards service of notice under section 12(2) of the said Act was left blank. It was stated that application for true copy (of the award) was submitted on 14 October 1996 and the copy was supplied on 22 November 1996. This reference application was admittedly filed on 30 December 1996.

114] Before the reference court, it appears that this reference application dated 30 December 1996 was treated as the claim statement on behalf of the claimants. The District Government Pleader and the SLAO filed their '*counter written statements*' which are almost identical to one another. In paragraph 3 of such counter written statement, objection that references were barred by limitation was raised in the following terms.

*“3) At the outset, it is respectfully submitted that as per the Reference made by the claimant/s, the Award under Reference is declared by this opponent on 10.05.1996. Immediately*

*thereafter as contemplated under the provisions of the Land Acquisition Act, this opponent served the notice under Section 12(2) of the Land Acquisition Act upon the claimants. The Reference under Section 18 of the Land Acquisition Act is however, filed by the claimant/s on 30.12.1996. Therefore considering the date of the Award, so also the receipt of the notice under Section 12(2) of the Land Acquisition Act, and considering the date of filing of the Reference before the respective authority, it is submitted that the Reference of the claimant/s is barred by the principle of limitation and hence the present Land Reference is deserves to be dismissed with costs.”*

115] The MKVDC also filed its written statement before the reference court on 9 September 2005. In response to the claimants assertion that references were filed within the prescribed period of limitation, the MKVDC, at paragraph 9 of its written statement , has pleaded as under.

*“9. This opponent does not admit the fact that the present Land reference is filed within a period of limitation as alleged by the Claimant / Claimants.”*

116] The claimants, in their claim statements, have no where admitted any receipt of notices under section 12(2) of the said Act. The State Government and the SLAO, in their counter written statements have not provided any particulars with regards service of notices under section 12(2) of the said Act. There is no reference to any despatch records or acknowledgment receipts. The State Government and the SLAO who had raised the issue of limitation in their counter written statements, have not chosen to impugn the awards made by the reference court and the finding therein that the references were filed within limitation. The MKVDC, which had not

even properly raised the issue of limitation, has however, chosen to pursue this objection, in these appeals.

117] Upon analysis of the deposition of Kisan Pandu Kank (claimant No.1 in LAR No. 276 of 1996), it is not possible to accept Mr. Shinde's contention that there are admissions on the aspect of receipt of notices under section 12(2) of the said Act. Kisan Pandu Kank, in the course of his cross-examination has merely stated that he cannot say on which date notices under section 12(2) of the said Act were served and that he does not remember on which date he may have withdrawn the compensation amount. He has also stated that he had received two notices prior to section 12(2). These are all statements made by a farmer who had studied only up to IVth Std., in the course of cross-examination. Such statements are not at all sufficient to conclude that any notices under section 12(2) of the said Act were at all served upon the claimants or to deduce any precise date of service of such alleged notices upon the claimants.

118] Arun Vithal Kamble, SLAO, who has deposed before the reference court, was perhaps in the best position, to throw light on the question of issue and service of notices under section 12(2) of the said Act. The notices are required to emanate from him or his office. The notices are required to be served under his authority or by his staff. Therefore, the least that was expected in the matter of this nature was that the SLAO produces before the reference court, all relevant material and details regards issue and service of notices under section 12(2) of the said Act. Instead, no such material and details were ever produced by the SLAO in the course of his

deposition before the reference court. In his examination-in-chief, Arun Kamble, the SLAO has stated that he declared the award on 10 May 1996 and that he had issued notices under section 9(3)(4) of the said Act, however, nobody raised any objections. The SLAO, significantly, has stated absolutely nothing as regards issue or service of any notices under section 12(2) of the said Act upon the claimants.

119] In the absence of any evidence that notices under section 12 (2) of the said Act were indeed issued and most importantly served upon any of the claimants, the objection that the references were barred by limitation, was rightly rejected by the reference court. Mr.Shinde's reliance upon the doctrine of onus of proof , in matters of this nature, is quite misplaced. In any case, the claimants had sufficiently discharged the onus, which had consequently shifted upon the State Government or the SLAO. The SLAO, who was in the best position to produce relevant evidence in this regard, has failed to produce the same before the reference court. This calls for drawal of adverse inference. At least in matters of compulsory acquisition of farmers' lands, it is not a sound practice on the part of the State Government , SLAO or the acquiring bodies to withhold from the court the best evidence which can throw light upon the issues in controversy and then to rely upon the abstract doctrine of onus of proof.

120] The Division Bench of this court in *Moreshwar S. Phatak vs. State of Maharashtra – 2003(3) Mh.L.J. 127*, in the precise context of objections that reference application were filed beyond

limitation has held that adverse inference needs to be drawn where the Collector (LAO) fails to produce despatch records and acknowledgment receipts regards service of notices under section 12(2) of the said Act. The State Government, in such circumstances, was not permitted to rely upon the abstract doctrine of onus of proof.

121] The Division Bench in *Moreswar S. Phatak (supra)* has referred to the decision of the Privy Council in *Murugesam Pillai vs. Gnana Sambandha Pandara Sannadhi – AIR 1927 PC 6*, in which, Lord Shaw observed:

*“A practice has grown up in Indian Procedure of those in possession of important documents or information lying by, trusting to the abstract doctrine of the onus of proof, and failing, accordingly, to furnish to the courts the best material for its decision. With regard to third parties, this may be right enough – they have not responsibility for the conduct of the suit; but with regard to the parties to the suit it is, in their Lordship's opinion, an inversion of sound practice for those desiring to rely upon a certain state of facts to withhold from the Court the written evidence in their possession which would throw light upon the proposition.”*

122] The Hon'ble Supreme Court in *Gopal Krishnanji Ketkar vs. Mohamed Haji Latif and ors. - AIR 1968 SC 1413*, has specifically approved the aforesaid view of the Privy Council by observing that a view taken by the trial court that unless a party is called upon to produce a document which could throw light on the issues in controversy, that party is under no obligation to produce such documents is a view, which is inconsistent with illustration (g) of section 114 of the Evidence Act.

123] In *Akkalkot Municipal Council vs. Vasantrao Tulsiram Kharade and ors. - 2009 (6) Mh.L.J. 311*, another Division Bench of this court has held that the onus of proving the service of award was on the acquiring body and the State Government. The claimants, cannot be expected to prove the negative. Since, the State Government and the acquiring body failed to discharge their onus, their plea that the reference application was made beyond the prescribed period of limitation was rejected.

124] The decision of the Hon'ble Supreme Court in *Premji Nathu (supra)*, does suggest that before any objection on the ground of reference being barred by limitation is upheld, it has to be established that copy of the award was also served upon the claimants alongwith notices under section 12(2) of the said Act. At paragraphs 11 and 15, the Hon'ble Supreme Court has observed thus:

*“11. The reason for providing six months from the date of the award for making an application seeking reference, where the applicant did not receive a notice under Section 12(2) of the Act, while providing only six weeks from the date of receipt of notice under Section 12(2) of the Act for making an application for reference where the applicant has received a notice under Section 12(2) of the Act is obvious. When a notice under Section 12(2) of the Act is received, the landowner or person interested is made aware of all relevant particulars of the award which enables him to decide whether he should seek reference or not. On the other hand, if he only comes to know that an award has been made, he would require further time to make enquiries or secure copies so that he can ascertain the relevant particulars of the award. What needs to be emphasised is that along with the notice issued under Section 12(2) of the Act, the landowner who is not present or is not represented before the Collector at the time of making of award should be supplied with a copy thereof so that he may effectively exercise his right under*

**Section 18(1) to seek reference to the court.**

...

“15] In the light of the above, it is to be seen whether the conclusion recorded by the Reference Court, which has been approved by the High Court that the application filed by the appellant was barred by time is legally sustainable. A careful reading of the averments contained in Para 2 of the application filed by the appellant under Section 18(1) shows that the notice issued by the Collector under Section 12(2) was served upon him on 22-2-1985. Thereafter, his advocate obtained certified copy of the award and filed application dated 8-4-1985 for making a reference to the Court. This implies that the copy of the award had not been sent to the appellant along with the notice and without that he could not have effectively made an application for seeking reference. On behalf of the State Government, no evidence was produced before the Reference Court to show that the copy of the award was sent to the appellant along with the notice. Unfortunately, while deciding Issue 3, this aspect has been totally ignored by the Reference Court which mechanically concluded that the application filed on 8-4-1985 was beyond the time specified in Section 18(2) (b). The learned Single Judge of the High Court also committed serious error by approving the view taken by the Reference Court, albeit without considering the fact that the notice issued by the Collector under Section 12(2) was not accompanied by a copy of the award which was essential for effective exercise of right vested in the appellant to seek reference under Section 18(1)”.

(emphasis supplied)

125] In *State of Maharashtra vs. Vishwas V. Gedam – 2015(5) Mh.L.J. 344*, the learned Single Judge of this court, relying upon the decision of the Hon'ble Supreme Court in *Premji Nathu (supra)*, has held that in a case where the claimant was neither present nor represented before the Collector when the award was made, the period of limitation would commence after supply of copy of award.

126] In *Raja Harish Chandra Raj Singh Vs. Deputy Land Acquisition Officer – AIR 1961 SC 1500*, the Hon'ble Supreme Court has held that where the rights of the person are affected by any order and limitation is prescribed for enforcement of the remedy by the person aggrieved by such order, then, the making of such order must mean either actual or constructive communication of such order to the party concerned. So the knowledge of the party affected by the award made by the Collector under section 12 of the said Act, either actual or constructive is an essential requirement of fair play and natural justice. Therefore, the expression “*the date of the award*” used in proviso (b) to section 18 (2) of the said Act must mean the date when the award is either communicated to the party or is known by him either actually or constructively. It will be unreasonable to construe the words from the date of Collector's award used in the proviso to section 18 of the said Act in a literal or a mechanical way.

127] Similarly, the Hon'ble Supreme Court in *State of Punjab vs. Mst. Qaisar Jehan Begum – AIR 1963 SC 1604*, has held that the literal and mechanical construction of the words “*six months from the date of Collector's award*” occurring in the second part of clause (b) of the proviso to section 18(2) of the said Act would not be appropriate and the knowledge of the party affected by the award, either actual or constructive, being an essential requirement of fair play and natural justice, the expression must mean the date when the award is either communicated to the party or is known by him either actually or constructively. Knowledge of the award does not mean a mere knowledge of the fact that an award has been made.

The knowledge must relate to the essential contents of the award. If award is communicated to a party under section 12(2) of the said Act, such party must be obviously fixed with knowledge of the contents of the award, whether he reads it or not. Similarly, when a party is present either personally or through representative at the time of making of the award by the Collector , it must be presumed that he knows the contents of the award. Having regard to the scheme of the said Act, knowledge of the award must mean knowledge of the essential contents of the award.

128] The decisions in *Shantaram Shenoy (supra)* and *Bahadur Singh Jhala (supra)* relied upon by Mr. Shinde are clearly distinguishable on facts. In *Shantram Shenoy (supra)* , there was no dispute whatsoever that the claimant had received notice under section 12(2) of the said Act on 6 May 1998, but the reference application was made only on 30 September 1998. Similarly, in *Bahadur Singh Jhala (supra)*, the Division Bench found that notice under section 12(2) of the said Act was served upon the claimants on 15 January 1986, but reference applications was made only on 6 March 1986. Besides, the learned Judges who decided these cases did not have benefit of the decision of the Hon'ble Supreme Court in *Premji Nathu (supra)*, which was delivered on 9 April 2012.

129] Therefore, upon cumulative consideration of the material on record as well as the law on the subject, there is no case made out to fault the finding recorded by the reference court that the references were filed within the period of limitation prescribed in proviso (b) to section 18 (2) of the said Act.

**Answers to the points for determination.**

130] The points for determination set out in paragraph 26, are therefore, answered as follows:

a] In First Appeal No. 1464 of 2005 relating to Dabkeghar lands, does the State Government establish that the rate of Rs.2,55,000/- per hectare determined by the reference court in LAR No. 70 of 1997 is excessive ?

**Ans. The rate as determined by the reference court is excessive. The rate now determined shall be Rs.2,05,000/- per hectare. First Appeal No.1464 of 2005 relating to Dabkeghar lands, is therefore, partly allowed.**

b] In Cross-Objection No. 18626 of 2007 in First Appeal No. 1464 of 2005, do the claimants establish that they are entitled to interest on the excess compensation determined by the reference court at the rate of 15% per annum under section 28 of the said Act ?

**Ans. The State Government is directed to pay the claimants interest at the rate of 15 % per annum from the date of expiry of period of one year from the date on which the SLAO took possession of the land to the date of payment of excess compensation into the court, in terms of section 28 of the said Act. To this extent, the impugned award warrants modification. The cross-objections raised by the claimants, insofar as Dabkeghar lands are**

**concerned, are therefore, liable to be upheld.**

c] In First Appeal (St) No. 19074 of 2008 and First Appeal No. 2310 of 2006 relating to Salav lands, do the MKVDC and State Government establish that the rate of Rs.1,00,000/- to Rs.1,14,000/- per hectare determined by the reference court in LAR No. 5 of 1998 and LAR No. 4 of 1998 is excessive ?

**Ans. The rate determined by the reference court is not excessive but inadequate. First Appeal No.19076 of 2008 and First Appeal NO. 2310 of 2006 are liable to be dismissed.**

d] In First Appeal No. 150 of 2009 relating to Salav lands, do the claimants establish that the rate of Rs.1,00,000/- to Rs.1,14,000/- per hectare determined by the reference court in LAR No. 5 of 1998 is inadequate ?

**Ans. The rate determined by the reference court is inadequate. The rate now determined shall be Rs.1,80,000/- to Rs. 1,94,000/- per hectare. This means that the lands for which the reference court had determined the rate of Rs.1,00,000/- per hectare, will have to be awarded compensation at the rate of Rs.1,80,000/- per hectare and the lands for which the reference court had determined the rate at Rs.1,14,000/- per hectare will have to be awarded compensation at the rate of Rs.1,94,000/- per hectare. First Appeal No.150 of 2009 is liable to partly allowed.**

e] In First Appeal No. 1089 of 2009 relating to Deoghar lands, do the claimants establish that the appeal is not maintainable, since, according to them, MKVDC is not the acquiring body in respect of the acquisitions in question ?

**Ans. The First Appeal No. 1089 of 2009 need not be dismissed on the ground of maintainability.**

f] In First Appeal No. 1089 of 2009 relating to Deoghar lands, does the MKVDC establish that the reference applications made by the claimants were barred by limitation prescribed in clause (b) of proviso to section 18(2) of the said Act ?

**Ans. The reference applications made by the claimants were not barred by limitation prescribed in clause (b) of proviso to section 18(2) of the said Act.**

g] In First Appeal No. 1089 of 2009 relating to Deoghar lands, does the MKVDC establish that the rate of Rs.2,25,000/- per hectare determined by the reference court in LAR No. 276 of 1997 is excessive ?

**Ans. The rate determined by the reference court is not excessive. First Appeal No. 1089 of 2009 is liable to be dismissed.**

### **Conclusions and Final Orders.**

131] The First Appeal No.1464 of 2005 instituted by the State Government relating to Dabkeghar lands is partly allowed. The rate

of compensation determined by the reference courts in LAR No. 70 of 1997 is scaled down from Rs.2,55,000/- per hectare to Rs.2,05,000/- per hectare. The State Government shall be entitled to the consequential reliefs.

132] The cross-objection Number XOBST No. 18626 of 2007 instituted by the claimants in First Appeal No. 1464 of 2005 relating to Dabkeghar lands is allowed. The State Government is directed to pay the claimants the interest at the rate of 15 % per annum from the date of expiry of period of one year from the date on which the SLAO took possession of the land to the date of payment of excess compensation into the court, in terms of section 28 of the said Act.

133] The first appeals and the corresponding cross-objections relating to Dabkeghar lands, listed in paragraph 4 of this judgment and order are disposed of in terms of the orders at paragraphs 131 and 132 above. This means that the first appeals are partly allowed and the rate determined by the reference courts is scaled down from Rs.2,55,000/- per hectare to Rs.2,05,000/- per hectare in respect of Dabkeghar lands. The State Government shall be entitled to consequential reliefs. The cross-objections instituted by the claimants also stand allowed. The claimants shall also be entitled to the consequential benefits.

134] In all the first appeals and cross-objections relating to Dabkeghar lands (see paragraph 4 of this judgment and order), the compensation payable to each of the claimants shall be reworked in terms of the directions in paragraphs 131, 132 and 133 above within

a period of three months from today. If, the compensation amount awarded by the reference courts is already deposited, and if upon reworking, it is found that there is excess deposit, the appellant – State Government shall be entitled to refund. The reference courts to permit withdrawals and refunds accordingly. The reference courts to permit withdrawals and refunds together with proportionate interest, if any, as may have accrued upon the deposited amounts. If however, the appellant, i.e., the State Government has not deposited the compensation amounts or is required to deposit additional amounts, The State Government is directed to do so within a period of four months from today.

135] If any of the claimants (respondents in Dabkeghar appeals) have already withdrawn the compensation amount from the reference court, they are directed to redeposit the excess, if any, within a period of four months from today. However, in case of failure to redeposit within this period, the refundable amount will carry interest at the rate of 7% per annum from 30 July 2017 till the date of deposit in the reference courts. Upon deposit, the reference court to permit the State Government to withdraw the same.

136] First Appeal No. 150 of 2009 instituted by the claimants relating to Salav lands is partly allowed. The rate of compensation as determined by the reference courts in LAR No. 5 of 1998 , is enhanced from Rs.1,00,000/- per hectare to Rs.1,80,000/- per hectare and from Rs.1,14,000/- per hectare to Rs.1,94,000/- per hectare. The appellants-claimants shall be entitled to proportionate

statutory benefits and interest upon the excess compensation as now determined.

137] First Appeal (St.) No.19074 of 2008 instituted by MKVDC relating to Salav lands is hereby dismissed.

138] First Appeal No.2310 of 2006 instituted by the State Government relating to Salav lands is hereby dismissed.

139] The first appeals relating to Salav lands, listed in paragraph 5 of this judgment and order are disposed of in terms of the orders at paragraphs 136, 137 and 138 above. This means that the first appeals instituted by the claimants relating to Salav lands stand partly allowed. The rate determined by the reference courts is enhanced from Rs.1,00,000/- to Rs.1,80,000/- per hectare and from Rs.1,14,000/- to Rs.1,94,000/- per hectare. The claimants are awarded proportionate statutory benefits and interest on the excess compensation. This also means that the first appeals instituted by MKVDC and the State Government relating to Salav lands, stand dismissed.

140] In all the appeals instituted by the claimants relating to Salav lands (see paragraph 5 of this judgment and order), the compensation payable to each of the claimants shall be reworked and paid / deposited in terms of the directions in paragraphs 136 and 139 above within a period of four months from today. If the amounts in terms of the impugned judgments and awards made by the reference courts in relation to Salav lands are already deposited

in the reference courts, the claimants shall be permitted to withdraw the same with interest, if any, which may have accrued thereon. Similarly, upon deposit of the excess amounts by the State Government within four months from today, the claimants shall be permitted to withdraw the same.

141] First Appeal No. 1089 of 2009 instituted by MKVDC relating to Deoghar lands is hereby dismissed.

142] The first appeals instituted by MKVDC relating to Deoghar lands, listed in paragraph 6 of this judgment and order are hereby dismissed.

143] The pending civil applications for miscellaneous matters stand disposed of accordingly.

144] There shall be no order as to costs.

**(M. S. SONAK, J.)**

Dinesh